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IRISH







# THE IRISH ECCLESIASTICAL RECORD

**A Monthly Journal, under Episcopal Sanction.**

**THIRD SERIES.**

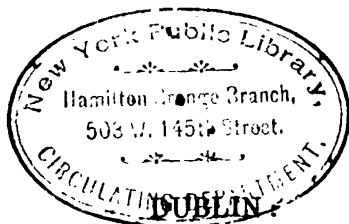
**VOLUME XVI.—1895.**

16

**" Ut Christiani ita et Romani sint."**

**" As you are children of Christ, so be you children of Rome."**

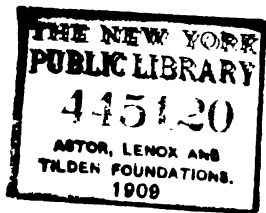
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GIRALDUS MOLLOY, S.T.D.,

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✠ GULIELMUS,

*Archiep. Dublin., Hiberniae Primas.*

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# THE IRISH ECCLESIASTICAL RECORD

JANUARY, 1895

## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### I.—“ CHARITABLE ” BEQUESTS : INTRODUCTORY

**T**EN years ago I published in the I. E. RECORD a few papers on some points of practical importance in reference to the legal position of Charitable Bequests in Ireland.<sup>1</sup> Those papers were published as the beginning of a series in which I intended to set forth in outline a general view of those sections of the law of Great Britain and Ireland, in which the law comes into contact with religious interests. But the publication of the papers had hardly commenced, when, from my being called upon to undertake new duties, the project I had sketched out for myself had to be dropped. Since then, it has lain in abeyance. Venturing now to take it up again, I cannot indeed hope to carry it through on the lines I had originally laid out for myself. But I may, within a reasonable time, be able to put together sufficient materials for a series of papers on some such sections of the subject as the following :—

I. The technical sense of the word Charity in English Law : the legal position of bequests which are, in the legal sense, “ charitable ;” the notable privileges accorded by law to such bequests, and the legal drawbacks to which they are occasionally subject.

<sup>1</sup> See I. E. RECORD, January, May, and June, 1885.

II. Bequests for Masses ; various forms in which such Bequests may be made : how they can be framed so as to make them legally "charitable;" the advantages, and the disadvantages, of so framing them.

III. The new "Death Duties," under the Budget of 1894, in their bearing on Charitable Bequests, especially in Ireland.

IV. The Board of Charitable Bequests in Ireland : its constitution ; its powers ; its procedure.

V. The Marriage Laws of Ireland, whether in regard to marriages between Catholics, or in regard to "mixed" marriages.

VI. The law as to the Guardianship of Children.

VII. The religious aspect of our State system of Education in its three branches, Primary, Intermediate, and University.

At the close of the first of the papers which I published in 1885, I expressed my thanks to an eminent member of the Irish Bar for his friendly promise of help, in revising, correcting, and, where it might seem advisable, supplementing, my expositions of the legal points involved. That friendly promise enabled me to state that the papers I purposed to write would come before the readers of the I. E. RECORD with the very highest professional guarantee both of their accuracy and of their sufficient completeness. The promise has now been renewed, so that the guarantee still holds good. In one sense, indeed, it is, if possible, strengthened, for I can count also on the help of another legal friend. Each paper of the present series will have the advantage of revision by two members of the Bar, both of them specialists of experience and of distinction in those branches of the law with which I shall have to deal.

It is, I assume, generally understood by the readers of the I. E. RECORD that, in the law of these countries, the word Charity is taken in a highly technical sense. But it would, I fear, be unsafe to assume that an accurate knowledge of that technical sense of the word is at all

common, outside the ranks of professional lawyers. Lord Cairns, in giving judgment, in the English Court of Appeal in Chancery, on a well-known case, put this point strongly, but not at all too strongly. "There is not," he said, "perhaps one person in a thousand who knows what is the technical and the legal meaning of the word Charity."<sup>1</sup>

It may, however, be asked, what need have we to know the technical legal sense of this, or of any other word? Law is full of technicalities. "Mergers;" "cross-remainders;" "tenants in tail general;" "tenants in tail special;" "shifting" and "springing" uses; "freebench;" "tenements" "dominant," and "servient,"—who, but lawyers, ever concern themselves about the precise import of such legal words and phrases? And why should we, outsiders, trouble ourselves about the technical legal sense of the word Charity, more than about any other of the thousands of technicalities in which the law abounds?

The cases are widely different. Charity is a word in common use. It has a popular, as well as a legal, sense. Herein it differs from most of the other technical terms of the law-books. Who but a skilled lawyer would undertake to deal with a property of even moderate value by expressing his intentions as to the disposal of it in legal words or phrases such as I have just now quoted by way of illustration? But it may be that any one in the community who has property to dispose of, and who may wish to dispose of it, or of a portion of it, in a charitable bequest, considers himself competent to do so.

Yet it is safe to say that, outside of legal circles, there are few who know how slight a change in the wording of a phrase in a Will—in some cases, even the use of an "and" rather than of an "or,"—may transfer a bequest from one side to the other of the narrow, and, at points, barely perceptible, line that is drawn by the law between the bequests it recognises as charitable, and those it refuses to recognise as such. That it is of eminently practical importance to have some knowledge of what

constitutes the distinction between those two classes of bequests, can scarcely need to be pointed out. For it is, or ought to be, matter of fairly common knowledge that, in some most important respects, legally charitable bequests are favoured by the law above bequests of every kind, and that there are not a few cases, or rather classes of cases, in which a bequest will be upheld as valid if the purpose of it is a legally charitable purpose, whilst it would be unhesitatingly set aside as invalid if the purpose of it were not charitable. Possibly, however, this favourable side of the case may not be as generally known as it might be. But I may safely assume that there is something like general knowledge of the less favourable side of the case. There is probably hardly any one who is not aware that, under certain exceptional conditions, a charitable bequest is placed under special disabilities, so that there are cases in which a bequest will be set aside as invalid if the purpose of it is a charitable purpose, whilst it would be upheld as valid if the purpose of it were not a charitable one.

It will, then, be generally recognised as of practical utility to bring within the reach of the readers of the I. E. RECORD some general knowledge of the principles that underlie this branch of the law.

There are indeed few more important Statutes in our ecclesiastical legislation in this country than that of the Synod of Maynooth:—"Presbyteri, excepto casu necessitatis, sese in testamentis conficiendis non immisceant."<sup>1</sup> But cases of necessity, such as the Statute contemplates, occur from time to time. In such cases, a priest may be called upon, as the only person of sufficient knowledge or sufficient intelligence within reach, to secure the carrying out by Will of the intentions of a charitably-disposed testator. If the priest be not possessed of a sufficiently accurate knowledge of at least the main features of the law regarding charitable bequests, the result of his venturing

<sup>1</sup> *Acta et Decreta* (cap. xviii.), n. 136.



to comply with the request made to him may be subversive of the very purpose he has been called upon to secure.

Again, the cases undoubtedly are numerous, in which a priest, especially in some country districts, may be of invaluable help to a parishioner by being in a position to explain to him the advisability of his obtaining the best available legal advice in the making of his Will, when, from some peculiar circumstance, the case is such that the drawing up of a Will, or the securing of a bequest for some particular purpose, is a matter requiring special legal skill or knowledge.

It is in reference, indeed, almost exclusively to this second aspect of the matter, that I think it of importance to place in the hands of the clergy generally throughout the country, the legal information that will be embodied in the series of papers I now purpose to write. I trust it cannot be necessary for me to point out the limits within which alone that information can safely be used. There is a grave danger in relying for guidance in practical affairs upon such knowledge of detached fragments of professional information as can be acquired by persons who are not members of the profession in question, and who have not gone through the ordinary course of professional training in it. The woeful blundering of so erudite a scholar and so practised a logician as the author of *Vaticanism*, when he ventured upon drawing what he considered most obvious inferences from the ecclesiastical condemnation of certain propositions, is a case in point. It is a case, too, the significance of which can be fully appreciated even by students who have not as yet passed beyond the first few months of their theological course. Plainly, what is true of theology is no less true of law. Except by lawyers themselves, there is scarcely any safe use that can be made of a knowledge of legal principles, beyond that highly important use of learning from it the advisability, or, it may be, the absolute necessity, of obtaining competent professional advice, in cases where, in the absence of some little knowledge of legal principles, the need of seeking such aid might not be adverted to.

I trust I shall not be considered as venturing too far upon legal ground if I add that I have had another reason for endeavouring to bring together in these pages a statement of the general principles of law that bear upon Charitable Bequests. Within my personal experience, numerous cases have occurred in which serious losses have been sustained by religious institutions, and in which bequests for Masses have either altogether fallen through, or have been seriously curtailed, as a result of Wills having been drawn up by solicitors in apparent inadvertence to certain legal points of high practical importance.

In one such case, in which a considerable number of charitable bequests were made, no less than £1,400 had to be paid over to the Crown, in legacy duty, not one penny of which would have been legally payable if, in the drawing up of the Will, regard had been had to a fundamental principle of law, which, unfortunately, was altogether overlooked. In many other instances that have come to my knowledge, similar oversights have led to similar results on a smaller scale. Within the last few days, two cases of this kind have occurred; and, within the last month, I have had experience of a case in which a valuable bequest for a charitable educational purpose was wholly invalidated as the result of a Will having been drawn up either with inexcusable carelessness, or in blank ignorance of an elementary point of law.

I am not without hope that by the publication of these papers in the *I. E. RECORD*, something effective may be done for the protection of charitable and religious interests against such losses as they have hitherto had to sustain in this matter. In some cases, at all events, a priest may be able to give useful help by making a few suggestions on the subject to some solicitor with whom he is acquainted. Abundant matter for such suggestions will be found in these papers as we proceed.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

## ANGLICAN ORDERS AND THE DOCTRINE OF INTENTION

**I**NSIDE and outside the true Church there is a prevailing desire for union. The divided forces of Christianity lose considerably in their efficiency to promote the happiness of the human race both here and hereafter ; and the energy of individuals and isolated nationalities is often wasted in futile attacks on the impregnable rock on which we know the Church of Christ is founded, and from which it derives its unifying power. To labour for union, that is to say, to use one's energy, to find out and bring back to the fold of Christ those who have left it, or who remain outside it, is truly Apostolic work. That this might be accomplished, was the prayer of our Divine Lord before He ascended to heaven. His vicar on earth, Leo XIII., knowing in the natural order of things that his time here below cannot be much prolonged, expresses the same wish,<sup>1</sup> and speaks the same prayer : "I pray . . . that they all may be one, as Thou Father in Me, and I in Thee, that they also may be one in Us." (John xvii. 20-21.)

There is likewise evidence of a strong desire for union on the part of the separated Churches—separated some more and some less—sometimes a desire expressed with a definite purpose, at other times a vague longing to consolidate the forces of Christianity against those of modern paganism. It is only necessary to refer to the Parliament of Religions in Chicago, and to the several conferences and unions which are the order of the day. Unrest and insecurity pervade such gatherings on the part of those who have no well-defined and permanent bond of union, and the great want appears to be some basis on which to unite.

There are two conceivable methods of determining such a basis : one is to eliminate all differences in doctrine by a process similar to that of finding a common denominator : the other is to adopt the Gospel of Christ, which He gave

<sup>1</sup> Apostolic Letter, June 20, 1894.

to His Apostles with authority to teach and to preserve, and which in turn has been handed down to their successors, with the same authority and prerogatives. The first method proposes an insoluble problem : the second is the only one which is sure to last, for it is the work of Christ ; and, as we know, the true one, since there is only one Gospel. (Gal. i. 6-8.)

In discussing the question of re-union, the subject of Anglican orders has once more come into prominence. It is, no doubt, one of considerable importance in itself ; and the calm discussion of it, cannot fail to be profitable ; yet considering the other issues at stake, which cannot be lost sight of in any effort at re-union, the validity or invalidity of Anglican orders is relatively not the most important point involved.

It is true that valid ordination is a necessity for a Church which claims that it derives its authority from Christ ; if the power of orders be absent, then it is certain there cannot be Apostolicity. But granting the Anglican Church has valid orders, it does not follow that they are in any better position than the Greek Church, whose orders are admittedly valid. The question of spiritual jurisdiction and the one shepherd would still remain. In fact, it is farther removed from Apostolicity than the Greek Church. Its position would be more like that of the Nestorian or Monophysite sects, which, though having valid orders, have no jurisdiction, being cut off from the source, and which have, moreover, "another Gospel."

Catholic writers can have no desire to underestimate the views of Anglicans regarding their orders : they approach the question with unbiassed minds. If it can be shown the Anglican Church has valid orders, then the points of difference between them and us are lessened by one, and it is a step in the direction of union. Accordingly we apply the same test to Anglican orders which we apply to our own. It is, no doubt, a fact that as the Church of Christ is indefectible, the power of orders cannot fail in it ; hence members of the true Church can always be certain that there are valid orders within her fold ; but, as there is no promise

that the individual parts of the Church are indefectible, apart from the general security we have as members of the true Church, we shall have to look for guarantees of safety to the care and caution with which the Sacraments, particularly Baptism and Orders, have been at all times administered. Whether similar care has been taken in the administration of those sacraments in the Anglican Church, is a question which I do not now propose to discuss. What I do purpose, is to consider one of three essential requisites for valid orders, and to examine according to the standard laid down whether at least that one requirement can be said to be present in the case which affects all Anglican orders.

The case to which I refer is that of Parker, from whom all Anglican orders are derived. It will not be necessary to give a detailed history of Parker or of his alleged consecrating prelate, Barlow. Cardinal Pole died a little while after the death of Mary, and Elizabeth wanted to have an Archbishop of Canterbury who would conform to her ideas in Church and State. So Parker was selected, and then the question arose as to his consecration. I assume on the authority of Dr. Lingard and Canon Estcourt, both of whom examined the documents, that the ceremony of consecration was performed at Lambeth Palace, on the 17th December, 1559, according to the rite in the new ordinal of Edward VI. The consecrating prelate was Barlow, and the assistants were Coverdale, Scory, and Hodgkins, Coadjutor of Bedford. Hodgkins was a duly consecrated prelate according to the Roman Pontifical.

There are three essential requirements for the Sacrament of Orders—(1) a duly-consecrated minister; (2) a sufficient rite; (3) sufficient intention. The first requisite regards a question of fact, namely, was Barlow ever consecrated; the second is partly historical, partly theological—is the ordinal of Edward VI. a sufficient rite? To either of these questions I have now nothing to say. It is with the third I have to deal, viz., can Barlow be said to have sufficient attention—*intentio faciendi quod facit Ecclesia*—in consecrating Parker Archbishop of Canterbury.

The necessity for an intention of any kind arises from the nature of the sacramental act. The external rite can have of itself no supernatural efficacy whatever, except it be instituted by Christ for that purpose; and after its institution it still remains in the order of natural acts, except it be used to convey grace, and the other effects intended by Christ, under the influence of the principal agent, acting through His minister. When, therefore, can it be said that the minister acts for Christ; that is to say, when can it be said that he acts in his official capacity as minister of Christ? This is the fundamental idea, which it is necessary to bear in mind throughout. It is clear he does not do so when his action is manifestly a stage performance—one of jest and mimicry. Luther and his followers were compelled logically to maintain that it mattered little in what manner the rite was performed; for, in any case, the sole purpose of a sacrament, to their minds, was to excite faith, since it is faith alone which justifies. It is not necessary to show that the principle on which this reasoning proceeds is a false one; it is enough to bear in mind that the minister of a sacrament—in our case the consecrating prelate—is a “dispenser of the mysteries,” and in reality not acting in his own name, but should be regarded as a minister of Christ. Therefore, it is only reasonable to apply the same rule here which is applied in the every-day affairs of life—a rule founded on common sense. An ambassador engages in a play, and mimics the words and deeds of his sovereign. Who would say those acts could have any other effect than, perhaps, amusement? They convey no authority. It is, then, absolutely necessary that the rite of consecration be performed seriously, as opposed to jest, at least as far as external appearances are concerned. This is called an *external* intention; for, although every intention is an act of the will, and, therefore, so far internal, yet when the object of the intention is the merely external rite, without any modification of the mind, it is called an *external* intention. It is defined,<sup>1</sup> and we are all obliged to believe, that

<sup>1</sup> Conc. Trid., Sess. vii., c. i.

this much, at least, is required for a valid ordination. In other words, the intention of acting as minister of Christ, and, what is implicitly the same, the intention of doing what the Church does, requires, at least, *external* intention.

It cannot be maintained for a moment that Barlow, with his three assistant bishops, went to Lambeth Palace, on the morning of 17th December, 1559, to go through a stage performance, such as that described above. This phase of the case may, therefore, be dismissed. Barlow had, at least, an *external* intention, and in so far the intention of doing what the Church does.

But does an *external* intention suffice? It appears there can be little doubt that if the consecrating prelate<sup>1</sup> should, although employing seriously a sufficient rite, determine, explicitly and secretly, not to act as minister of Christ, or do so implicitly, in his own mind, without the smallest external manifestations of it,<sup>2</sup> the rite could not be sacramental, for it would not be true to say that he acted in his capacity as minister of Christ. The agent is a free one: his will is the motive power; and he determines himself not to act in his official capacity. Authors,<sup>3</sup> however, generally note that the existence of a nullifying intention is not to be supposed, except where it is manifested externally. Nicholas I. made this abundantly clear in his answer to the Bulgarians, in which he states that in the case of a Jew, who is also an infidel, baptizing, any nullifying intention is not to be supposed, except there be some external manifestation of it. The answer is a reasonable one. It is impossible to prove the existence of a purely internal act. There cannot, no doubt, be metaphysical certainty; but there is sufficient moral certainty to render one secure: If, however, the intention passes beyond the mind, and is exterminated, it then becomes a question of fact, which is to be decided on evidence.

The possibility, then, that Barlow had a contrary

<sup>1</sup> I omit all reference to the question whether those called "assistant bishops" were also co-consecrators.

<sup>2</sup> Prop. 28 damn., Alex. VIII.

<sup>3</sup> Franzelin, *De Sac. in Genere*, page 208.

intention in the depth of his mind, goes for nothing. The same question may be put regarding every consecration. But was there evidence of his wicked intention in any statement or act of his? I have never seen that he said or did anything in consecrating Parker which would signify: I do not intend to act as minister of Christ. It is, no doubt, sometimes said that the Church for which Barlow acted held heterodox views on the Eucharist, and that he was a firm supporter of them. Even so; it is still impossible to understand how those heretical views should contain implicitly the judgment: *I do not intend to act as minister of Christ*. They may supply a motive for altering the matter and form. The question then is to be referred to the second requisite for valid order—the rite. Was the matter or form altered substantially? Or they may supply an element for the interpretation of an ambiguous form. Is the form used in the ordinal of Edward VI. ambiguous? These questions do not belong to the present inquiry. What the relation of Barlow's heretical views may have been to the intention required in him as a minister of Orders, will, it is hoped, be made clearer a little lower down.

Now we advance a step further. Granting there is no nullifying intention, does the mere performance of the external rite suffice? This is the celebrated question in the schools, with which every student of theology is acquainted. It is not necessary to give the arguments on either side. They may be found in any handbook of Dogmatic Theology. The common opinion of theologians does require something more, on the fundamental principle, that the minister of Christ, being a free agent, should conform his will to that of his principal, or as St. Thomas puts it—“*intentione se subiciat principali agenti*.”<sup>1</sup> Whatever may be thought of this opinion on speculative grounds, it is the one to be regarded as practically certain.

Yet it is necessary to specify more distinctly the object of that intention. It is not the merely material act—there

<sup>1</sup> iii. q. lxiv., Art. 8.



must be something more. Then it is the material rite modified or qualified by the mind in some manner. Hence the name, *internal* intention is given to it. These modifications may be numerous. There are some which, it is safe to say, are not required. The rite need not be considered as productive of grace, nor as a Sacrament, nor as impressing a character on the soul: neither need it be considered as giving any special prerogatives or powers. In other words, the effect of the Sacrament need not be intended; it will follow from the Sacrament as from its cause, and independently of what the minister may think. He cannot prevent the Sacrament from producing its effects. There is no necessity to regard the rite as sacred in the Catholic Church: the minister need not even believe in the Catholic Church. Neither is it required that he should consider it as something sacred in any particular Church. It is enough that he considers it as a sacred function, or religious ceremony, and in that frame of mind proceeds to perform the external rite.

It would be an easy matter to quote authorities; but I shall be satisfied with two, De Lugo and Franzelin. The former, having pointed out that it is necessary for the minister to act in his capacity as minister of Christ, says:—

“Notandum tamen est, non requiri ad valorem Sacramenti, quod minister velit explicite operari nomine Christi, aut ut minister ipsius; sufficit enim id implicite velle, quod multis modis contingere potest, v. g. si quis velit facere quod facit ecclesia, seu uti illius verbis et rebus eo modo quo ecclesia eis utitur, vel, etiam non cogitando de ecclesia, velit facere quod facit ecclesia particularis, vel quod facit talis parochus, vel quod faciunt aliqui apud quos audivit illa signa adhiberi tamquam caerimonias religiosas.”<sup>1</sup>

And Franzelin, reasoning on the same lines as Lugo, writes:—

“Licet v. g. baptizans nec Christam nec sanctitatem aut efficaciam sacramenti, nec veritatem ecclesiae, et religionis Christianae credat, dummodo sciat eum ritum credi et usurpari

<sup>1</sup> De Sacr. in Gen., Disp. viii., s. ii., n. 36.

a Christianis ut sacrum, potest habere, et si a Christiano rogatus, ordinarie habebit intentionem faciendi ritum, non sua quidem sed ex Christianis opinione sacrum; qua intentione supposita, (sive actuali; sive virtuali. sive reflexa sive exercita) tam non suo nomine agit, sed se exhibet ministrum ecclesiae, et proinde implicite ministerium Christi principalis agentes . . . et generatim ubi dubium incide ret de valore Sacramentorum, non de occulta intentione, sed de servata manifesta materia et forma quaeri soleret."

It is not necessary, then, to have any religious belief, in order to administer *validly* a sacrament. Neither faith nor sanctity are required. The want of them is a personal matter; there is no interference on that account with the existence of the Sacrament of Orders; nor can the effects of the sacramental rite be arrested by the consecrating prelate. It is enough for him to know that the rite is used as a sacred thing by Christians; and being asked by them to perform the ceremony, he may be regarded as acting, not in his own name, but in the name of Christ. If, according to Franzelin, any doubt arises regarding orders conferred in such circumstances, he lays down as a general rule that it is the other elements that are to be attended to.

These statements fit in with the case in hand. The heretical views of Barlow do not of themselves vitiate his intention. They may, as I have already said, be a guide for the interpretation of an ambiguous form. That aspect of the case is not now, however, under examination. It is only the intention considered in itself, and as one of three requisites for validity which is now the subject of discussion. Accordingly, sufficient intention may subsist with the known heterodox views of Barlow regarding the Eucharist. What is the fact? A religious function takes place at the chapel of Lambeth; its object was to consecrate—the word "consecrate" is used in the records—a successor to Cardinal Pole. Can there be any doubt that it was regarded as a religious function? The place, a chapel in Lambeth palace; the persons engaged, three assistant bishops, and Barlow, consecrating prelate; the prayers and ceremonies in the ordinal, all compel one to say it must have been regarded as a sacred ceremony.

Then Barlow was asked to be the consecrating prelate, and he does it. No matter, therefore, what his own views were, and no matter what the views of the Anglican Church were at the time regarding the Eucharist, the rite, regarded as sacred, and as sacred by a Christian community, was performed by Barlow by order or invitation, and according to the doctrine laid down by Lugo and Franzelin, and, as far as I can ascertain, by practically every theologian of note, this is enough to guarantee the statement that the element of sufficient intention was not wanting at the consecration of Parker.

But suppose Barlow's heretical views to be so pronounced, and his hatred of the Catholic Church to be so great, that he willed, if not explicitly, at least in effect, to exclude the idea of giving grace, or any supernatural power, believing that Christ had not instituted a rite to produce such effects. Did that annul his intention to act as minister of Christ? Considerable confusion is created by the vague manner in which this aspect of the case is considered by some writers. These two acts of the will may be in the mind: one does not destroy the other except they are contradictory. What, then, is the expression of those judgments? On the one hand, he says:—"I intend to do what Christ instituted." On the other hand, he says:—"I do not intend to do what Christ has not instituted," *v.g.*, to give grace, impress character, impart supernatural powers. There is no contradiction between those propositions. On the contrary, it would appear that the second act of the will is only a more emphatic and exclusive manner of putting the first. The two acts of the will would then be equivalent to this one, *viz.*:—"I intend to do *only* what Christ has instituted." We may put the statements in a different manner:—"I intend to do what the [true] Church does. I do not intend to do what the [false, in his view] Catholic Church does." Again there is no contradiction. He believes that the Catholic Church is not the true Church, and therefore it does not act according to the institution of Christ. In other words, the determining idea in his mind is to do as Christ wished him to do. Granted, then, that he constitutes

himself an agent of Christ, His minister, and the dispenser of His mysteries, he cannot prevent the effects of the sacramental rite following, the grace, the character, and the supernatural powers.

An extreme case yet remains. The power to produce the effects mentioned is intrinsic to the Sacrament of Orders. Therefore, if in every hypothesis, even in the hypothesis that those effects were instituted by Christ, they be efficaciously excluded, then the consecrating prelate determines not to act in the name, and by the authority of, Christ. He acts on his own responsibility; he is not a minister of Christ; and, therefore, an element is wanting, which leaves the matter and form of orders in the category of merely natural and beggarly elements. But on this extreme case Franzelin<sup>1</sup> remarks:—"Generatim loquendo talis exclusio efficax sacramenti non potest locum habere nisi ex reflexa, obstinata, et rarissime in animis humanis occurrente malitia."

This, then, is an extreme case, a mere hypothesis; and we have no right to assume that it is verified in Barlow's case. There is no evidence whatever of such perverse malignity on his part; and, however heretical his beliefs were, and those of his political rulers, we are not warranted in heaping up iniquity on his head needlessly and gratuitously.

It appears to me, then, that no false doctrine of Barlow dislodged this one dominant idea from his mind, viz., that he was acting as the minister of Christ. It may not have been there expressly; but, according to the doctrine laid down, it was there at least implicitly, inasmuch as all the circumstances of the case lead us to infer that the ceremony was regarded as a sacred one by the then Anglican Church; and Barlow, being invited to be the consecrating prelate, went through the ceremony. He conformed his will to that of the Anglican Church; it considered the function a religious and Christian one; and so, implicitly, Barlow acted as minister of Christ.

The phase of the case I have considered leaves untouched

<sup>1</sup>The *sis.* xvii., p. 226.

two of the three requirements for valid orders. I have not examined whether—(1st) Barlow was himself consecrated, nor (2nd) whether the ordinal of Edward VI. is a sufficient rite. These, after all, are the principal elements in the case.

One wholesome conclusion which may be derived from the Catholic doctrine of intention is, that it is not such as to render all the orders in Christendom doubtful, as was so often stated in the late controversy on Anglican orders in the *Times*. We are dependent, to be sure, on secondary causes—on our fellowman, in the supernatural, as well as the natural order; and as we entrust our lives to the engine-driver or to the pointsman with comparative ease, so we may be sufficiently satisfied that the grace of the sacraments has not been withheld from us by any perverse intention on the part of the ministers of the sacraments. As to the true Church in general, we have absolute certainty contained in the promise of its Founder, that, as orders are essential to her, so, as she is indefectible, they can never fail; and in individual cases we may rely on the care and caution with which the Catholic Church and its ministers have always regarded the sacramental rites.

J. CROWE.

## THOMAS MOORE: THE RELIGION IN WHICH HE DIED

**I**N common with most of his countrymen, I have always had a great admiration for Thomas Moore, our national poet, and, some years ago, I made a pilgrimage to the place where he lived most of the time he spent in England, where he breathed his last, and where his remains lie interred. Some facts that came to my knowledge during that pilgrimage I narrated soon after to the editor of one of the chief American magazines. He was much interested by them, and requested me to forward them to him for publication. I did so, but the MS. got lost; and lately, having related the same incidents to an esteemed clerical friend, on his assuring me he considers them of some ecclesiastical importance, I have again written them, and forward them for whatever value they may possess, for insertion in the I. E. RECORD. I may state, in advance, that the letter copied in the concluding portion of this paper is still in my possession, and the rev. gentleman who wrote it is still, I am happy to say, alive and ready to further attest what I quote him for.

Whether misled by the well-known lines of Denis Florence M'Carthy:—

“ A green grave rises  
O'er thy sward, Devizes,  
Where Moore lies sleeping from his land afar ;”

or by my preconceived notions, I do not know; but I was rather surprised on arriving by rail at Devizes, which is about ninety miles west of London, to find that I was still four or five miles from my destination. Securing a hack at the hotel, I was soon driving along a very pretty country road, lined with some fine trees on both sides. There were numerous shady hedgerows, and the whole place presented a very charming landscape. As we drove slowly along, I could not help drawing a contrast between my Saxon driver, who seemed as sombre as if going to a funeral, and his more

lively Celtic brother of the whip who would be sure to enliven the journey with some funny story or an anecdote connected with the place. To my eager questions as to what he knew about Moore, he answered in monosyllables. He did not know the gentleman—in fact, he believed he had never heard of him. After a vain struggle for some time I gave up the effort to obtain information, and I was left to commune with my own thoughts. What had induced Ireland's national bard to settle in this out-of-the-way place, far from the busy haunts of men, from his own friends and his own people? Why had he removed himself from access to a Catholic church, and chosen this place where attendance to the ministrations of that Church would be difficult, if not impossible for him? Had he become a Protestant, as was said implicitly by Hall and others, who seemed to base their knowledge on the best authority?

Several circumstances connected with his life gave colour to this idea. He had married a Protestant; it was said that he had attended the Protestant church; and he was said to have been visited, during his last illness, by the rector of the parish. No priest attended him at the time. On the other hand, it would be very hard to account for a change of faith in one who was the author of the work titled *Travels of an Irish Gentleman in Search of a Religion*—a book which was said to be as able a defence of Catholicity, and as orthodox, as if it were written by one of the fathers of the Church. It would make his change of belief still more puzzling, if we recall his lines contrasting his own and the State-endowed Church in Ireland:—

“Thy rival was honour'd, whilst thou wert wrong'd and scorn'd;  
Thy crown was of briars, while gold her brows adorn'd;  
She woo'd me to temples, whilst thou lay'st hid in caves;  
Her friends were all masters, while thine, alas! were slaves;  
Yet, cold in the earth, at thy feet I would rather be,  
Than wed what I lov'd not, or turn one thought from thee.”

What revulsion of feeling or thought had taken possession of the author of these lines?

There are some very strange anomalies when we examine the question of change of faith. It has been

noticed that some of the old Catholic families who clung to their religion when that meant persecution of every kind, abandoned it when the rigorous laws against it were relaxed. We know that Jews in Russia who are persecuted, scarcely ever fall away ; whereas in countries where they are free, they frequently do so. Had Moore, then, whose early days were spent in times of trial and danger, abandoned all that he had previously held sacred, when the chains which bound him had been, to some extent, relaxed ? These and similar thoughts filled my mind on the journey, and I determined that I would learn what facts I could concerning him, before all those who had known him and could enlighten me, had passed away. My reader can judge for himself whether I am able to throw any light on the subject.

My arrival at the village of Bromham brought my reverie to an end. After passing through a long, narrow street, I reached the Parish Church, which is surrounded by a graveyard wherein the poet is buried. Having obtained the aid of the sexton, a young man, I at once entered the church. The first thing that attracted my attention was a very handsome, stained-glass window, representing the Day of Judgment. The central figure is our Saviour, with angels blowing trumpets. Underneath is Justice with sword and scales. On the right is an angel with an olive branch calling the elect, and on the left is one with a flaming sword repelling the wicked. Over all are angels carrying shields, on which are written, "Sound the loud timbrel o'er Egypt's dark sea,"—words from the best-known of the poet's sacred songs. Underneath is the following inscription :—"This window is placed in the church by the combined subscriptions of two hundred persons who honour the poet of all circles and the idol of his own—Thomas Moore." At the other end of the church is a window of stained glass, representing the Crucifixion, erected to the memory of Mrs. Moore. The work of obtaining the subscriptions for the poet's window was undertaken by Mr. and Mrs. S. C. Hall, and was placed at the west end of the church; for, as Mr. Hall said:—"The west Moore dearly loved, often watching the setting of the



sun in the west; and moreover, it is the point nearest to Ireland."<sup>1</sup>

On coming out of the church, Moore's grave was pointed out to me. It lies within a few feet of the gable of the church. I was glad to see that it showed evidence of being cared. A large, high, iron railing surrounded a plain tombstone almost level with the ground. The following inscription was very plainly legible :—

Anastasia Mary Moore,  
Born March 16th, 1813.

Died March 8th, 1829.

Also her Brother,  
John Russell Moore,  
Who died November 23rd, 1842,

Aged 19 years;  
And their Father,  
Thomas Moore,

Tenderly beloved by all who knew the goodness of his heart;  
The Poet and Patriot of his Country,  
Ireland,

Born May 28th, 1779,<sup>2</sup>  
Sank to rest, February 25th, 1852,  
Aged 72.

God is love.

Also his Wife,  
Bessy Moore,  
Who died 4th September, 1865;  
And to the Memory of their Son,  
Thomas Lansdowne Parr Moore,  
Born 24th October, 1818,  
Died in Africa, January, 1846.

I cannot describe the feelings with which I looked at the stone that covered all that was mortal of one to whose patriotic lays Ireland owes so much, who rescued her grand old melodious airs from oblivion, and clothed them with such sweet words! Truly has he said :—

“Dear Harp of my country, in darkness I found thee!”

But the darkness was dispelled by the bright rays of his

<sup>1</sup> A memorial window in a Protestant Church was another reason for thinking that Moore died a Protestant.

<sup>2</sup> Lord John Russell, and following him Charles A. Read, give 1780 as the year of Moore's birth. They found their deviation from the date on the tombstone, on Moore's baptismal register. The poet's centenary was, nevertheless, celebrated on the 28th May, 1879.

poetic genius. He made his country's wrongs known wherever the English language is spoken; and, as if in a prophetic vision, he saw that—

“Thy name, loved Erin, shall live in his songs.

The stranger shall hear thy lament on his plains;  
The sigh of thy harp shall be sent o'er the deep,  
Till thy masters themselves, as they rivet thy chains,  
Shall pause at the song of their captive and weep!”

The melodies are sung as well in the drawing-rooms of the *élite* as in the log-cabin of the pioneer of advancing civilization. Time, which has obliterated things which were once so much admired, has but confirmed the verdict with which his songs were first received.

All that I had seen so far seemed to confirm Mr. Hall's statement or insinuation; and it was still further strengthened by my visit to the next place, which was Sloperton Cottage—

“A little cot, with trees a row;  
And, like its master, very low.”

This is situated about a mile from the church, and was for many years—from 1822 till his death—the residence of the poet. It is a very pretty two-storied house, set back a little from the road. It has two hall-doors, both fronting you as you enter the gate, the house having evidently been built at two different periods. The look from the outside was very home-like and cheerful.

If I had any diffidence on entering and asking to see the interior, it was soon dispelled by the kind manner in which the present occupant, Mrs. Spicer, received me. I remember reading of Gerald Griffin's visit, half a century ago, when he came as a delegate from the City of Limerick to ask Moore to become a candidate for its parliamentary representation. He tells us of the awe with which he came into the presence of the “little great man.” Now that the great man has gone, it was with thoughts more akin to melancholy that I went from room to room, led by my kind hostess. Here was the dining-room. I could easily fancy the poet at the head of his hospitable table, his conversation overflowing with wit and humour. Here was his study, in which he did the principal part of his writing, and whence emanated so many

creations of his fertile brain. Now we are in the bedroom, which he never quitted during the last two years of his life, his only nurse and attendant being his faithful wife. Mrs. Spicer did not know Moore personally; but she told me that it was commonly said by the old people in the neighbourhood that, even before the last two years of his life, he had become quite childish, frequently wandering through the fields, losing his way, and being brought home by some of his kind neighbours. In further conversation I learned that Wiltshire was at that period a very favourite place of residence for those who wished to live quietly and cheaply. She also thought that the cottage was given at a nominal rent to Moore by his great friend, Lord Lansdowne, the landlord of the place, who lived at Bowood, close by. As Mrs. Spicer had not known him personally, I asked could she direct me to someone who had. She answered that the one who had known him most intimately was still living—that was the Rev. Mr. Edgell, the Rector of the parish, “the clergyman who had attended him during his last illness.”

That seemed to settle the matter as far as the question of religion was concerned; but I was not yet satisfied, and I resolved to pursue my inquiries to the end. I thought it best to see the rev. gentleman himself, and get the facts from him who could speak from his own knowledge, and not be satisfied with hearsay. After thanking Mrs. Spicer very sincerely for her courtesy and kindness, I drove to the Rectory, and was fortunate enough to find Mr. Edgell at home. He proved to be a gentleman of the old school, kind and courteous; and, as I saw he was about to fulfil an engagement, I came to the point at once, and stated the object of my visit. To my question as to Moore’s change of faith, he gave a most emphatic denial. He said that he had known Mr. Moore intimately for many years. He was a man of deep religious convictions, and, said Mr. Edgell, “lived and died a Roman Catholic.”

“Did he attend your church?”

“Never. He would sometimes accompany his wife, who was a member of my congregation, to the door; but he never entered or took part in the services.”

To what I took to be polite requests for Moore to enter, he would say to Mr. Edgell that he could worship God in his own way, in the open air, as well as he could within the walls of his church.

"Did you attend him as a clergyman during his last illness?" I asked.

"No, certainly not," he replied. "I did not even see him for the last two years of his life. I frequently called, however, at his house to see Mrs. Moore, who, as I have told you, was a member of my congregation."

"Did he have a priest with him during his illness?"

"No, for Mrs. Moore would not allow anyone—not even a servant—to see him, as she did not wish people to see the condition in which he was."

Mr. Edgill added, what does honour to his love of truth, that he regretted very much that the report of his change of faith was circulated both in the neighbourhood and abroad; but he, with the intimate acquaintance which he had enjoyed for so many years with Mr. Moore, could state positively that there was not a shadow of foundation for it. I then said to Mr. Edgell that, as a matter of historical truth, I would feel very much obliged if he would put the substance of our conversation into writing, as I might at some time make use of it. To that he very kindly consented; but, as I knew of his pending engagement, I did not press him for the writing then, and it was agreed that he would forward the statement to me. The first letter which he wrote to me, owing, perhaps, to my change of residence, did not reach me; and on communicating again with him, I received the following letter:—

"BROMHAM RECTORY,

"CHIPPENHAM, Nov. 21, 1887.

"DEAR SIR,—I am very sorry that a former letter of mine, in reference to Mr. Moore, should have been lost or overlooked. Having known Mr. Moore well, I can confidently say that he never changed his religious belief; that he died, as he had lived, a *Roman Catholic*. It is true that during the last two years of his life no priest was allowed to see him; but during that time, in consequence of his mental state, no one—not even a servant—was admitted into his room. 'Bessy'

Moore nursed and tended him entirely. He recognised her at the last; and his last words to her were: 'Bessy, have faith in God.'

"Mr. S. C. Hall must have strangely misunderstood or misheard what I said to him.

"With kind regards,

"Believe me, yours faithfully,

"EDWARD B. EDGELL.

"Dr. D. AMBROSE."

My interview with Mr. Edgell placed the matter of Moore's religion to the end beyond all doubt. If I had not gone quite so far in my inquiries, I would have probably come away with the same impression which Mr. Hall and others had formed.

Thus, then, I feel assured that Moore never gave up the faith of his fathers, and that he maintained, as long as reason and life were spared him, the Catholic sentiments in which his *Travels in Search of a Religion* confirmed him, and which he expresses in this beautiful apostrophe:—

"Hail, then, to thee, thou one and only true Church, which art alone the way of life, and in whose tabernacle alone there is shelter from all confusion of tongues! In the shadow of thy sacred mysteries let my soul henceforth repose, remote alike from the infidel who scoffs at their darkness, and the rash believer who vainly would pry into its recesses, saying to both in the language of St. Augustine: 'Do you reason while I wonder; do you dispute, while I believe; and, beholding the heights of Divine Power, forbear to approach its depths!'"

When we recall the circumstances of the time, we can account for Moore's having gone so far out into the country. Literature and poetry had not then become so commercially successful as they did later on. Very few men could afford to bring out a book at that time, unless they had rich patrons to assist them. I have seen a picture of the great Dr. Johnson waiting like a suppliant in Lord Chesterfield's hall, and being jeered at by the lacqueys. He was seeking for assistance to publish his famous dictionary. Moore was very poor when he went to Wiltshire, being almost financially ruined by his Bermuda agent; and was, no doubt, glad to go where living was cheap, and where, as we have seen,

he was probably free from rent. This would account for his going to a place so far from a Catholic church ; but, I believe, it is very well known that whenever he had an opportunity, such as a visit to London afforded, he always availed himself of it to assist at Mass. That he did not see a clergyman of his own faith during his illness, was due to his physical and mental condition, and to the fact that his wife, rightly or wrongly, would not allow anyone—not even one of her own household—to see him. Not being a Catholic herself she, perhaps, failed to appreciate the consolation which the ministrations of the Church could afford to a Catholic, even when reason had, to a great extent, forsaken her throne.

Having learned all that I could that was of interest, regarding the national poet of Ireland, and having accomplished the object of my visit—to my own satisfaction, at least—I retraced my steps homeward, and quitted with great reluctance a place which must always be a source of attraction to an Irishman, and to every lover of one of Ireland's most gifted sons.

DANIEL AMBROSE.

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## THE DIVINE AUTHORSHIP AND INSPIRATION OF THE BIBLE

**A**LL Christians are still, thank God, agreed in regarding the Bible as unique among books, as standing apart essentially different from, and immeasurably superior to, every other writing. To every Christian it is still, in some sense, however imperfect, what it was to St. Chrysostom : “ the letter written to His exiled children by our Heavenly Father.” Other books they value because of the wisdom or sanctity of their contents, or the piety of their authors, but the Bible they cherish and reverence, not as the work of any mere men, however wise and holy, but as a legacy from heaven, as the Book of God. If we inquire why the Bible

is so regarded, the answer is, that Christians believe it was written by men who were supernaturally influenced by God in the work of writing, so that what they wrote was, to some extent, at least, not so much their work as His.

But while thus agreeing as to the fact that the Bible is inspired, Christians hold widely divergent views as to the *nature* and *extent* of its inspiration. The Protestant Church, for more than two centuries after Luther, clung like him to the old and rigid view of *verbal* inspiration, according to which not only the thoughts or truths contained in Scripture, but also the very words, were suggested by God to the inspired writer. But the principle of private judgment by which the Reformers had sought to justify their rebellion against the Catholic Church, was destined to recoil upon Protestantism, in its turn, with fatal and far-reaching effects. Luther had questioned the right of the Church to interpret authoritatively the inspired Book; his followers questioned his right to suppose or declare the Book inspired. If the right of private judgment belonged to man in questions of faith, why should it be confined to *interpreting* the Bible, why should it not also be exercised in deciding whether the Bible is indeed the work of God, or only the work of man? So argued Luther's followers in the middle of the eighteenth century, and the logical result was Rationalism, which is destructive alike of inspiration and of Christianity.

Ever since its rise Rationalism has been steadily gaining ground in the Protestant Church. It has already undermined the faith of the Protestants of Germany, and now it threatens seriously the faith of the Protestant Church of England. As a proof and example of the change that is being wrought, it is worth while to notice the present attitude of some leading lights of the Anglican Church on this question of inspiration. Dr. Sanday, Professor of Exegesis, Oxford, writes :—" In all that relates to the revelation of God and of His will, the writers of the Bible assert for themselves a definite inspiration; they claim to speak with an authority higher than their own. *But with regard to the narration of events, and to the processes of literary composition, there is nothing so exceptional about*

them as to exempt them from the conditions to which other works would be *imposed at the same time and place.*"<sup>1</sup> And Dr. Driver, Regius Professor of Hebrew, and Canon of Christ Church, Oxford, in a sermon preached at St. Mary's, Oxford, and since published, says :—"Applied to the Bible. as a whole, the expression 'Word of God' seems to savour of the old theory of inspiration, which no one now cares to maintain."<sup>2</sup> Nor are these views confined to Oxford. Dr. Kirkpatrick, Regius Professor of Hebrew, Cambridge, in a work published two years ago, lays it down, as a matter of course, that "inspiration does not guarantee absolute immunity from error in matters of science or fact or history."

We are far from charging these learned divines with adhesion to the extreme views of Rationalists. They would indignantly resent such a charge, for they all contend, in the very works from which we have quoted, that the Bible is inspired. Our object in quoting the above extracts is not to make charges, but to show how widely the present views of orthodox Protestants differ from those of the early Reformers, and how far the Anglican Church is drifting from her original moorings on this question of inspiration.

If now we turn to the teaching of the Catholic Church, we find that while, on one point, the fact that the Bible is divinely inspired, that teaching is clear and decisive and obligatory; on the other hand, no formal definition has ever been given of the *nature* or *extent* of inspiration. Let the reader bear this carefully in mind, for it is one thing to declare the Bible inspired, quite another to decide in what precisely inspiration consists, or how far it extends. In the present article we shall, first, set forth and defend the Catholic teaching, which is of *faith*, and afterwards proceed to discuss some of the more important questions which have not yet been definitively decided.

I. It is a doctrine of *faith*, which, consequently, all Catholics are bound to believe, that all the books of the Old

<sup>1</sup> Sanday, *The Oracles of God*, p. 72.

<sup>2</sup> *Sermons on the Old Test.*, p. 158.

<sup>3</sup> Kirkpatrick, *The Divine Library of the O.T.* (1892), p. 105.



and of the New Testament, contained in our Catholic Bible, and all their parts, were written under the inspiration of the Holy Spirit of God, and have God for their Author. This doctrine has been solemnly defined by three Ecumenical Councils: first, by the Council of Florence<sup>1</sup> in 1441; again by the Council of Trent, in 1546; and lastly, by the Council of the Vatican, in 1870. The words of the Council of Florence are:—"The Holy Roman Church . . . professes that one and the same God is the author of the Law and the Prophets and the Gospel, because the holy men of both Testaments spoke under the inspiration of the same Holy Spirit, and she receives and venerates their books, which are included in the following list."<sup>2</sup> Then follows a list of all the canonical books.

This definition was substantially repeated by the Council of Trent in the Fourth Session:—"The holy Ecumenical and General Council of Trent . . . receives and venerates all the books of the Old and of the New Testament, since one God is the Author of both. . . . But if anyone will not receive as sacred and canonical these entire books, with all their parts, as they have been wont to be read in the Catholic Church, and are contained in the Old Latin Vulgate edition . . . let him be anathema."<sup>3</sup>

Finally the Vatican Council, in the chapter on Revelation repeats the doctrine of the two former Councils, and, moreover, explains in what sense the books are to be regarded as sacred and canonical. "These books of the Old and of the New Testament in their entirety, with all

<sup>1</sup> See Pallav., *Hist. Conc. Trident.*, lib. vii., c. 11, nn. 14, 15, where he proves that the Council continued to sit in Florence till 1442.

<sup>2</sup> "Sacrosancta Romana Ecclesia . . . Unum atque eundem Deum veteris et novi Testamenti, hoc est Legis et Prophetarum atque Evangelii profitetur auctorem, quoniam eodem Spiritu Sancto inspirante utriusque Testamenti sancti locuti sunt, quorum libros suscipit et veneratur, qui titulis sequentibus continentur."

<sup>3</sup> "Sacrosancta oecumenica et generalis Tridentina Synodus . . . omnes libros tam veteris quam novi Testamenti, cum utriusque unus Deus sit auctor . . . suscipit et veneratur." . . . "Si quis autem libros ipsos integros cum omnibus suis partibus, prout in Ecclesia Catholica legi consueverunt, et in vetere vulgata latina editione habentur, pro sacris et canonicis non susceperit . . . anathema sit."

their parts . . . must be received as sacred and canonical. Now, the Church regards them as sacred and canonical, not because having been composed by mere human industry they were afterwards approved by her authority; nor merely because they contain Revelation without any admixture of error; but because, having been written under the inspiration of the Holy Ghost, they have God for their Author, and as such were delivered to the Church." And again, in the fourth Canon on Revelation, the same Council enacts:—"If anyone will not receive as sacred and canonical the entire books of Sacred Scripture with all their parts, as the holy Council of Trent enumerated them, or will deny them to be divinely inspired, let him be anathema."<sup>1</sup> It is expressly defined, therefore, that God is the author (*auctor*) of all the books of the Old and of the New Testament, which stand in our Catholic Bibles; in other words, and as the Vatican Council explicitly defines, that those books are divinely inspired. We take it for granted that "*auctor libri*" is equivalent to "author of a book," as there is no ground for supposing that there is any difference in meaning between the two expressions. Whether or not the words "*auctor*" and "author" differ in their general sense,<sup>2</sup> certain it is that when used in reference to a book each acquires a *specific* meaning, and in that specific meaning, in the time of the Councils whose decrees we are considering, just as at

<sup>1</sup> "Qui quidem veteris et novi Testamenti libri integri cum omnibus suis partibus . . . pro sacris et canonicis suscipiendi sunt. Eos vero Ecclesia pro sacris et canonicis habet, non ideo quod sola humana industria concinnati, sua deinde auctoritate sint approbati: nec ideo dumtaxat quod revelationem sine errore contineant; sed propterea quod Spiritu Sancto inspirante conscripti Deum habent auctorem, atque ut tales ipsi Ecclesiae traditi sunt.

"Si quis sacrae Scripturae libros integros cum omnibus suis partibus, prout illos sancta Tridentina Synodus recensuit, pro sacris et canonicis non suscepit, aut eos divinitus inspiratos esse negaverit; anathema sit."

<sup>2</sup> "There is a further question, which is still left in some ambiguity, the meaning of the word '*auctor*.' '*Auctor*' is not identical with the English word author. Allowing that there are instances to be found in classical Latin in which '*auctores*' may be translated '*authors*,' instances in which it even seems to mean '*writers*,' it more naturally means '*authorities*.' Its proper sense is '*originator*,' '*inventor*,' '*founder*,' '*primary cause*.'" (Cardinal Newman, "On the Inspiration of Scripture," in *The Nineteenth Century*, February, 1884.)

the present day, "auctor libri" meant nothing else than "author of a book."<sup>1</sup> Every Catholic, then, is *bound to believe* that all the books of our Bible, and all their parts were written under the influence of divine inspiration; in other words, that they are inspired, and have God for their Author.

II. It is not necessary to do more here than indicate briefly the arguments on which the doctrine of these Councils is based. The divine authorship of the Scriptures was not a new doctrine propounded for the first time in the fifteenth or sixteenth century. It was the traditional belief of the Jewish Church from the days of Moses till the time of Christ, a belief supposed and confirmed by Christ and His Apostles, and, though not defined, inculcated by the Catholic Church in every age.

That the later books of the Old Testament everywhere suppose the divine Authorship of the earlier, cannot be denied. We read, for instance, in the Second Book of Esdras that after the Babylonian captivity: "All the people were gathered together as one man to the street (of Jerusalem) which is before the water-gate, and they spoke to Esdras the scribe to bring the Book of the Law of Moses, *which the Lord had commanded to Israel* . . . And they found written in the Law, *that the Lord had commanded* by the hand of Moses, that the children of Israel should dwell in tabernacles," &c. (2 Esd. viii. 2-14). We might easily multiply quotations from the sacred writers to show what was the belief of the Jewish Church, but we prefer to quote Josephus and Philo, two profane historians, the one a Palestinian, the other an Alexandrian Jew, as witnesses of the Jewish belief that God was the Author of their sacred books. Josephus (born A.D. 37, died *after* A.D. 97) says that the twenty-two books of the Jewish Canon "are rightly believed to be *divine*" (*τὰ δικαίως θεῖα πεπιστευμένα*), and that "All Jews are instinctively led from the moment of their birth to regard them as the *writings* (or decrees) of God, and to abide by them, and, if need be, gladly to die for

<sup>1</sup> See Franz, *De Deo Script.*, Thes. iii., n. 1.

them." And Philo, a contemporary of Josephus, is equally explicit. He speaks of the sacred books as written by the prophets "by whose mouth the Father of the Universe gave His oracles," "who under the influence of inspiration gave their oracles in the person of God," "who spoke inspired by the Divinity." It is incontestable, then, that the Jews from the time of Moses down to the Christian era believed their Scriptures to be the work of God, and to have God for their Author.

And this belief, which underlay the whole religious, political, and domestic life of the Jews, so far from being condemned, was supported and confirmed, by our Lord and His Apostles. Again and again, both publicly before the Jews, and in private discourses to His disciples, our Lord appealed to the Scriptures as to a testimony more than human. When the incredulous Jews sought to kill Him as a Sabbath-breaker and blasphemer, He said to them: "I receive not testimony *from man* ; I have a testimony greater than that of John," and then proceeding to explain what that greater testimony was, He mentioned as portion of it the Sacred Scriptures: "Search (or rather "you search") the Scriptures, for you think in them to have life everlasting, *and the same are they that give testimony of Me.*" (John v. 34, 39: see also x. 34, 35; Matt. xxii. 29, 31. Again, when alone with His disciples, Jesus invariably appealed to the Scriptures as to a recognised, infallible authority, whose predictions must be fulfilled. Before His last journey to Jerusalem He said to the twelve: "Behold we go up to Jerusalem, and *all things* shall be accomplished which were *written by the Prophets* concerning the Son of Man" (Luke xviii. 31). And on the last night of His mortal life He foretold: "All you shall be scandalized in Me this night, *for it is written* : I will strike the shepherd, and the sheep of the flock shall be dispersed" (Matt. xxvi. 31). And in that beautiful incident recorded by St. Luke, when, on the first Easter Sunday, Jesus joined the disciples on the way to Emmaus, He said to them: "O foolish and slow of heart to believe *in all things* which the Prophets have spoken. Ought not Christ to have suffered these things,

and so to enter into His glory? And beginning at Moses and all the Prophets He expounded to them in all the Scriptures the things that were concerning Him (Luke xxiv. 25-27).

In like manner the Apostles, in their discourses and writings, again and again, take for granted that the Scripture cannot be falsified, showing thereby that they regarded it as of more than human authority, as indeed they often state explicitly. Thus we read in the Acts of the Apostles (ii. 16), that when a successor to the traitor was about to be elected to the college of Apostles, Peter said : "Men, brethren, *it was necessary that the Scripture should be fulfilled, which the Holy Ghost spoke before by the mouth of David concerning Judas.*" So, too, in his discourse to the people at Solomon's porch, the same Apostle said : "Those things which God had showed before by the mouth of all the prophets, that the Christ should suffer, He hath so fulfilled." To the same effect we might quote St. James, in the Council of Jerusalem (Acts xv. 15), and St. John, and the other writers of the New Testament. But, as such references are only to particular portions of the Old Testament, and do not prove the divine authorship of the whole, we invite the reader's attention to the following words of St. Paul. Writing to St. Timothy, he says : "All Scripture, inspired by God, is profitable to teach, to reprove," &c. (2 Tim. iii. 16). Now, according to this rendering<sup>1</sup> of our Rheims version, the meaning of these words must be, either that all Scripture is profitable, *because* it is inspired of God, and in that case we have an explicit declaration that all the Scripture of which St. Paul spoke is inspired, or else the meaning is, that all Scripture *which is inspired of God* is profitable. But even in the latter rendering, St. Paul declares all the books of the Old Testament to be inspired ; for, in the very verse that precedes, he tells us of what Scriptures it is he speaks—all those, namely, which Timothy

<sup>1</sup> A more probable rendering of the Greek text (*πᾶσα γραφὴ θεόπνευστος, καὶ ὠφέλιμος*) would be : "Every Scripture is inspired of God, and profitable," &c., and then the argument for the inspiration of the Scriptures of the Old Testament would be still clearer.

had learned from his youth. "From thy infancy thou hast known the Holy Scriptures, which can instruct thee to salvation, by the faith which is in Jesus Christ. All Scripture, inspired of God, is profitable," &c. And it is worthy of note that this text proves the inspiration not merely of the books of the Jewish Canon, but of all the books of the Old Testament which stand in our Bible; for Timothy, being a Hellenistic Jew, doubtless read the Scriptures in the Septuagint version, which contained besides the books of the Jewish Canon, the other books which the Church receives. Finally, what the Jewish Church believed, and what Christ and His Apostles confirmed, regarding the Divine Authorship of the Old Testament, the Catholic Church always held and taught regarding all the books, whether of the Old Testament *or of the New*. In the writings of the fathers the Scriptures are constantly referred to as "written by the Holy Ghost," or "through the operation of the Holy Ghost;" as "the letter of God written to men;" as "writings given to us by God;" and the sacred authors are described as "instruments working under the operation of the Divine Spirit."<sup>1</sup> Again, in the profession of faith prescribed for Bishops in the fourth Council of Lyons held in the fourth century, which is still recited by every bishop at his consecration, in the profession of faith sent by Leo IX. to Peter of Antioch in the eleventh century, in the symbol of faith proposed to the Greeks in the second Council of Lyons in the fourteenth century, the Church solemnly declares: "That the Lord God Almighty is the one Author of the Old and of the New Testament, of the Law, and of the Prophets, and of the Apostles."<sup>2</sup> It is therefore clear and incontestable that the doctrine of the Divine Authorship of the sacred books, as solemnly defined by the Councils of Florence, Trent, and the Vatican, was not a new doctrine till then unheard-of, but that it had been revealed by God, received by the Jewish Church, approved

<sup>1</sup> See the splendid summary of the teaching of the fathers laid before the Vatican Council, by Franzelin, and recorded in the *Collectio Lacensis* of the Acts and Decrees of that Council, page 522.

<sup>2</sup> See Franz., *De Script.*, page 331 (ed. tertia).

by Christ and His Apostles, accepted by the fathers, and professed by the Catholic Church in every age.

III. We have set forth, and defended from the charge of novelty, what the Church has *defined* regarding the inspiration of the Bible, and we now proceed to consider some of the questions which are still, to a certain extent, open to free inquiry. The Church, as we have seen, has defined that the Scriptures are inspired, but she has never *defined* what inspiration is; what she has decided on this point is contained in her definition, that the Scriptures were written by men inspired by God, and have God for their author. Now, we cannot decide by any *a priore* reasoning in what inspiration consists. God was not only free to inspire the sacred writers, but He was also free as to the *manner* in which He might choose to do so. He might have suggested both thoughts and words to the sacred pensman; or He might have suggested all the thoughts, but not the words; or, again, He might have suggested only those thoughts or *truths*<sup>1</sup> which bear in some way upon faith or morals. Clearly, then, we cannot argue from the nature of the case in favour of any particular kind of inspiration. We must only try to deduce from what the Church has defined, in what it is that inspiration consists.

Let us then try to find out the nature of inspiration from the Church's infallible teaching that God is *the Author of the sacred books*. What is necessarily implied when we say that a person is the author of a book? To answer this question, which is so essential to our present inquiry, we must distinguish between the thoughts contained in a book, in other words, the *sense*<sup>2</sup> of the book, and the words, phrases, and, in general, the literary dress in which that sense is clothed. Now, that a man be the author of a book, it is necessary, according to all the usages of language, that the thoughts contained in the book be his. He may indeed

<sup>1</sup> If God is the author of the Bible, the thoughts it contains must be truths.

<sup>2</sup> Franz, Mazzel., Hurt., and most modern writers distinguish between the "*pars formalis*" and the "*pars materialis*" of a book, but in the same sense as above. Of course, whenever some particular word is necessary to the sense, it then belongs to the "*pars formalis*."

have employed another to *pen* those thoughts, but he would not be regarded as the author unless the thoughts be his. Nor is it enough that he communicate the thoughts to his amanuensis, he must communicate them *to the end* that they be written, or at least he must take steps after he has communicated to have them written. That this is necessary, will be plain from an example. Suppose Peter explain a subject to Paul, and Paul without any suggestion to that effect from Peter afterwards write a book on the subject, nobody would regard Peter as the author of the book. Paul, indeed, owes his knowledge of the subject to Peter, but the world does not owe the *book* to Peter. In a word, Peter is the author of the communication of the thoughts to Paul, but he is not the author of the thoughts as *written*. Again, that a man be the author of a book, it is not enough that he suggest the thoughts and procure the writing of the book; it is also necessary that the book do not contain other thoughts than his. If, for instance, Paul, an amanuensis, introduce new thoughts into the book, such a book could not be said simply and without qualification to have Peter for its author.<sup>1</sup>

Now, let us apply this reasoning to the Bible. God, as we have seen, is the author of the Bible, of all its books, and of all their parts. He did not, however, write the Bible with His own finger as He wrote the tables of the Law for Moses; He employed intelligent instruments to consign His thoughts to writing. It follows, then, from our reasoning above, (a) that He must have suggested the thoughts to the sacred pensmen; (b) that He must have moved them to commit those thoughts to writing; and (c) that He must have provided for the exclusion of all other thoughts but His from the sacred book. And since there is question of the all-knowing and all-powerful God, we must feel assured that (d) He provided that the sacred books should contain *every* thought of His own which he desired to communicate therein to men.

It does not follow from what has been said in (a) that

<sup>1</sup> We abstract at present from the question of "*obiter dicta*," which we shall discuss in connection with the *extent* of inspiration.



the thoughts expressed by the sacred writers were always unknown to those writers until suggested by God. Sometimes, indeed, this was the case, as when there was question of supernatural truths, such as mysteries, or even of natural truths which they had no means of learning. But oftentimes the sacred writers had known already what they were inspired to write. St. Luke, for instance, tells us (Luke i. 3) that he had diligently inquired into all the matters of which he was about to write; St. John (John xix. 35) that he had been an eye-witness of what he records; and the writer of the Second Book of Machabees distinctly states that his Book is an abridgment of a larger work, and adds:—"In undertaking this work of abridging, we have taken in hand no easy task, yea, rather, a business full of watching and sweat." (2 Macc. ii. 27.) Inspiration, then, does not necessarily imply revelation, if revelation be understood in its strict sense as implying the manifestation of things before unknown. When the matter was already known to the sacred writer, it was enough that God by a supernatural operation should illumine his mind, and present to it the particular truths which He desired to have written, and that he should move and assist the sacred pensman by His grace to commit those truths faithfully to writing.<sup>1</sup>

The supernatural impulse to write, which we have shown to be necessary for inspiration, did not deprive the sacred writer of his liberty. Just as God moves us every day to act freely under the supernatural influence of His

<sup>1</sup> "Non requiritur ut veritates ipsae quas Deus Scripturis consignari voluit, homini inspirato jam cognitae non fuerint vel esse potuerint. Praecedens enim cognitio hominis non potest esse ratio, cur Deus illas veritates suo consilio comprehendere nequeat per Scripturam tradendas Ecclesiae, et cur supernaturali sua operatione efficere nequeat, ut homo veritates aliunde sibi cognitae mente et voluntate concipiat *ad eas scripto consignandas*. Eadem ratione non excluduntur industria, studium, et praesidia, puta, documentorum et testium, ab homine adhibita ad res et sententias seu ad veritates concipiendas, dummodo supernaturalis operatio et directio Dei efficiat, ut mens hominis inquiringis sensa ea omnia et sola ad scribendum concipiat, pariterque ad eadem omnia et sola scribenda voluntas supernaturaliter moveatur, quae Deus ut scribantur, consilio suo comprehendit." (Franz., *De Trad. et Script.*, pp. 348-383. Ed. 3.)

grace, so, under this supernatural impulse to write, the inspired writers were moved freely, as befitted intelligent beings gifted with liberty. Nor is it at all inconsistent with this divine impulse to write, that the sacred writers were sometimes impelled by human reasons and from human motives to compose their works. If, as St. Jerome tells us<sup>1</sup> St. John was asked by the bishops of Asia Minor to write his Gospel, that is no reason, evidently, why God may not have moved the Apostle to accede to their request. Again, if the state of the Corinthian Church, or inquiries addressed to him from that Church (1 Cor. vii. 1), called for an Epistle from St. Paul, surely that is no reason why God may not have taken occasion from these motives to move the Apostle of the Gentiles to write to the Church of Corinth.

We have endeavoured to show from the fact that God is the Author of the sacred books, how far He is responsible for their *sense*, for the thoughts which they contain. But, as we have seen already, there is another element to be considered in the sacred books; namely, the words, phrases, style, &c., in which the thoughts are expressed. We shall now inquire how far God is responsible for these. And, in the first place, it is plain that what we have said regarding an author's responsibility for the *sense* of his book, does not hold equally in regard to the diction. For instance, any author will acknowledge as his a book which has been translated into another language, provided the thoughts which he expressed be faithfully retained, and no new thoughts introduced. Hence it is that many of the fathers and commentators ascribe the Epistle to the Hebrews to St. Paul as its human author, while holding that the style in which it is written is not the style of St. Paul, but the work of some other hand.

In the same way the books of the Bible have God for their principal Author, because He inspired the thoughts in the manner already explained, although, as we are convinced, He left the selection of the particular words used, for the most part, to the choice of the intelligent instru-

<sup>1</sup> Prol. in Matth.

ments whom He employed to write. Still we must not conclude that God had no part in the selection of the language of the Sacred Scriptures :—

“It is evident, in the first place, that the *sense* of the principal author of any book, which is written through the instrumentality of another, cannot be expressed in writing, unless signs or words are chosen and used, which are adequate to convey that sense. Hence, since God, by His inspiration of the *sense* of the Sacred Scriptures, so acts on the inspired writer in order to his writing that the document written by him should infallibly, in virtue of that divine operation, really and truly contain the sense divinely intended, it follows that in that inspiration there is included such a divine operation as that the writer should not only actually choose, but that he should also *infallibly choose*, such *signs*—that is, such words, phrases, expressions, or formulas, as are apt and adequate truly to express the sense divinely intended ; or, in other words, to express the truths which God wills thus to communicate. Inspiration, therefore, is not confined to the *sense* alone. It extends also within the limits mentioned, to the *signs* or *words* which express and convey that sense.”<sup>1</sup>

It follows, therefore, from the fact that God is the Author of the Sacred Scriptures, that He must have given the sacred writers such *negative* assistance in the employment of words, as prevented them from using wrong words, or words not fully adequate to express the divine ideas. Moreover, wherever the *positive* suggestion of the words was necessary for the correct expression of the divine idea, as we may suppose, in the first revelation of a mystery, or where some truth depended for its adequate expression on the particular form of a word which the human writer, left to himself, would not employ (see Gal. iv. 16), in all such cases He who is the Author of the books must have *positively* suggested even the words.

But, just as it follows from the fact that God is the Author of the Sacred Books that He must have *positively* suggested such words as were necessary to the expression of the divine idea, so where that idea could be equally well, or, at all events, *adequately* expressed by different words, we

<sup>1</sup> *The Sacred Scriptures*, pp. 38, 39. By Rev. W. Humphrey, S.J.

are not bound to suppose that God positively suggested the particular words employed. That He should do so does not at all follow from the fact that He is the Author of the Sacred Scriptures. Hence, since in the greater part of the sacred text the same ideas could, it would seem, be adequately expressed in other words than those which were employed, it follows that in the greater part the sacred writers *may have had* merely *negative* assistance in the sense already explained, in the choice of the diction they employed. And since positive suggestion of the individual words is, generally speaking, not necessary to the Divine Authorship; since, moreover, the inspired writers were living, intelligent beings, and not mere lifeless machines, the presumption is, until the contrary is proved, that God allowed them to exercise their intelligence, in so far as that exercise, whether as regards words, phrases, or style, was consistent with the faithful expression of His divine ideas.

Thus it is *possible*, while admitting that God is the Author of the sacred books, to deny that He positively suggested all the words; that is to say, it is possible, while holding fast the Catholic doctrine of the Divine Authorship, to reject the theory of *verbal* inspiration. And what is thus shown to be possible, is rendered *necessary*, it would seem, by other considerations. For if we read the various books of Sacred Scripture, we cannot help being struck by their difference of style, a difference which is always in conformity with the characters and mental training of the different writers.<sup>1</sup> Again, the sacred writers often record the same events, and, as in the case of the Evangelists, the same discourses; but their accounts, while agreeing substantially, generally differ in words. The obvious inference is, that God permitted each to write in his own natural style. We do not indeed deny the *possibility* of God's suggesting language

<sup>1</sup> "De Isaia sciendum, quod in sermone suo disertus est quippe ut vir nobilis et urbanae eloquentiae, nec habens quidquam in eloquio rusticitatis admixtum . . . Jeremias sermone quidem apud Hebraeos Isaia et Osee et quibusdam aliis prophetis videtur esse rusticior, sed *sensibus par*, quippe qui eodem Spiritu prophetaverit. Porro simplicitas eloquii a loco ei in quo natus est accidit." (St. Jer., *Pref. to Isai. and Jerem.*)

in accordance with the natural tastes, talents, and acquisitions of each writer; but, as we have seen, it is not necessary to suppose that He did so; and hence, the probability is that He did not, seeing that He employed *intelligent* instruments. Finally, the theory of *verbal* inspiration cannot be easily reconciled with the following words of the writer of the Second Book of Machabees, whom all Catholics believe to have been inspired.<sup>1</sup> "I also," he says, "will here make an end of my narration, which if I have done well, and as it becometh the history, it is what I desired; but if not so perfectly, it must be pardoned me. For as it is hurtful to drink always wine or always water, but pleasant to use sometimes one, and sometimes the other, so if the *speech* be always nicely framed, it will not be grateful to the readers." The obvious meaning of these words is that the writer is apologizing for the language and style of his book, and if he was inspired in making this apology, surely the language of the book cannot have been positively suggested by God. For these different reasons the theory of *verbal* inspiration, though once held by many theologians, Catholic as well as Protestant, and by not a few of the fathers, is now generally, and we think, justly, abandoned.

We have endeavoured to conclude from the fact that God is the Author of the Bible, how far He is responsible for its *sense* and *language*; we have tried to reason step by step to the nature of that divine operation in virtue of which the Scriptures have God for their Author, and which we call inspiration. Let us now sum up the conclusions at which we have arrived.

A. As regards the *sense* of the Sacred Scriptures, it follows from the fact that God is the Author of the books:—

1. That He must have supernaturally illumined the intellects of the writers.
2. That He must have supernaturally moved their wills.

<sup>1</sup> If anyone should object that this writer may have been ignorant of his own inspiration, and may therefore have apologized for what needed no apology, our answer is, that *the apology itself was inspired*, and we cannot suppose that God apologized for *language* suggested by Himself.

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3. That He must have prevented the introduction of other ideas than His own into the sacred books.

4. That He must have secured the expression of all His own ideas which He desired to communicate.

B. As regards the *language* :—

1. That He must, in all cases, have secured the employment of words *adequate* to express His ideas.

2. That, in some comparatively few cases He positively suggested the precise words.

3. That outside those cases, and in the great bulk of the Scriptures, we need not, and ought not, admit *verbal* inspiration.

In accordance with these conclusions we may now, perhaps, attempt a definition of inspiration, and define it to be—a supernatural influence exerted upon certain men by God, which illumined their intellects, moved them to write, and so guided them while writing that they could not err, and that they wrote precisely the truths which God wished them to write.

We have deduced our conclusions and definition from the *defined* doctrine that God is the Author of the Sacred Scriptures, and the reader can test for himself the soundness of the reasoning. It is important, however, to add in support of these views, that they are in accordance with those of the best modern authorities on this subject.<sup>1</sup> Above all it should be borne in mind that they are strongly suggested, and to a great extent embodied, by our Holy Father Leo XIII. in his beautiful Encyclical, *On the Study of Sacred Scripture*, published in the end of last year. And though that Encyclical was not issued in the form of an infallible utterance, yet, coming as it does from him who is appointed by Heaven to feed the lambs and sheep of Christ, and dealing with a question of such vital importance to religion and the Church, it is a document of weighty authority, and commands not only the respectful attention,

<sup>1</sup> Franzelin (*De Trad. et Script.*), Cornely (*De S. Script. inspiratione*, Paris, 1891), Brucker (*Les Etudes*, Mars et Avril, 1893), Grandclaudé (*La Question Biblique*, 1893), Brandi (*La Question Biblique*, 1894), and a number of others might be mentioned.

but also the acquiescence and acceptance of every loyal Catholic.<sup>1</sup>

Here we must pause for the present. We are obliged to reserve for a future article the consideration of some erroneous views on inspiration, as well as the important question of its extent.

JOSEPH MACRORY, D.D.

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## DE ROSSI: THE COLUMBUS OF THE CATACOMBS

THE *Osservatore Romano* of October 23rd, in the notice which it gave of the Month's Memory of the late Commendatore De Rossi, says:—"Christian Rome and scientific Rome was in mourning around the rich catafalque which was raised in the church of S. Spirito in Sassia to honour the memory of the illustrious scientist, of the archæologist, of the man for whom science and faith were two inseparable terms, who used the former to exalt the latter, and who placed the latter as the secure foundation of the former." The solemn Month's Memory was made by order of the Holy Father. He desired to show this last mark of respect for the great scholar who had spent his life in making the landmarks of early Christian Rome bear testimony to the identity of the first Christian faith with the faith which Rome teaches to-day. The music was done by the Pontifical choir. Several cardinals were present; several ambassadors represented courts of the old and new world; and, as at his funeral obsequies of a month before,

<sup>1</sup> Here are the words of the Holy Father:—"Quare nihil ad modum refert, Spiritum Sanctum assumpsisse homines tanquam instrumenta ad scribendum, quasi, non quidem primario auctori, sed scriptoribus inspiratis quidquam falsi elabi potuerit. Nam supernaturali ipse virtute ita eos ad scribendum excitavit et movit, ita scribentibus adstitit ut ea omnia eaque sola quae ipse juberet, et recte mente conciperent et fideliter conscribere vellant, et apte infallibili veritate exprimerent: secus non ipse esset auctor Sacrae Scripturae universae." (*Encycl. de Studiis S. Script.*, Nov., 1893.)

all the learned societies of Rome and several from different countries of Europe were represented. We shall see later on that this honour done to the memory of De Rossi was but the last of many honours which he received during life, from most of the crowned heads, governments, universities, and learned bodies of Europe. He never sought any; they came upon him uninvited; and more than once he refused distinctions from high quarters because he thought that his acceptance would be interpreted as a sign of waning loyalty to the Holy See. He was never before the world as a politician or a diplomatist, or as a public man embroiled in burning questions. The professional interviewer, that latest result of journalistic pandering to morbid curiosity, had little business with him, and his name seldom appeared in a newspaper. His life was spent amidst the remains of early Christian monuments, reading in their ruins the doctrines, the faith, the hopes, the customs of the first confessors of Christ; tracing the triumph of the Church in the basilicas which appeared as Christian temples after the conversion of Constantine; in the libraries of Europe, copying the manuscripts of Christian pilgrims, to supplement the information which he could gather from those of the early Christian monuments that remain, and collating them in the quiet of his study with a patient industry which we may safely say no student has ever surpassed, and with a critical discernment which few have equalled.

Further on reference will be made to the marks of honour which he received during life. I am very far from believing that the reality in an individual can be always rightly measured by the public praise or tokens of esteem bestowed upon him. Some men are selfish enough to praise because it is a game over which they hope to win; others are foolish enough to flatter for the sole sake of the pleasure it gives their victims. In both cases he who is honoured is taken at his value, and that is in most such cases as real as emptiness. No man need be without praise and marks of honour, if it gets out that he likes it. As the reader comes to know the life and character of De Rossi, he will be persuaded that the honours he received are a genuine



evidence of worth. They came not because they pleased him, but because he deserved them.

John Baptist De Rossi belonged to what we would call the upper classes. He was born in Rome on February 23rd, 1822, in the house now occupied by the Minister of Public Instruction in the Piazza della Minerva. He received his early education at the Roman College. Having completed the humanities and rhetoric, he followed the course of philosophy there for three years, and then passed on to the Roman University of the Sapienza to study Canon and Civil Law, in which faculty he obtained his degree with unusual honours. Although it does not appear that he followed a regular course of theology, he knew it well, and the University of Vienna was not misplacing its honours when it conferred on him its degree in Theology *honoris causa* two years ago. In the year 1844 he had completed his studies, and was free to pursue his inclination in some special line. In later years he used to speak of archæology as his "vocation." He could not point to any circumstance which he should say turned him to that particular study; but from his childhood objects of a cognate kind had an attraction for him. There was a copy of the *Lives of the Saints* at his home, from which was read daily for the edification of the family the life of the saint whose feast was being celebrated. It was a common custom in all good Roman families in his early days, and it is probably so still. As soon as De Rossi was able to read, he had the *Lives of the Saints* in his hands as often as he could, going through them with the eagerness of a boy buried in a thrilling tale. We find a curious foreshadowing of the study which he was to make his own, and which shall be identified with his name for all time, in the fact that he used to read almost exclusively the lives of those saints who lived in the early ages of the Church. Then he had but to turn in any direction to find the living illustrations of what he read—the homes where the confessors lived, and the places where the martyrs suffered.

In his early days, moreover, Rome was again in the peaceful possession of the Pope after the downfall and death

of Napoleon. A number of men of extraordinary learning either had their home there, or had come for purposes of study. There was Mai and Mezzofanti; Fea, whose notes to Winckelmann are as valuable as the text; Niebuhr, Nibby, Papencrodt, &c.; and Wiseman also was well on the way to fame. Callandrelli was teaching mathematics, and Sir Humphry Davy gave occasional experiments at the Sapienza. Canova had raised glyptic art from a fallen state. Pius VII. had added the Chiaramonti corridor to the Vatican Museum, and had it lined with inscriptions, Christian on one side, and classic on the other. He added many manuscripts and many thousand printed volumes to the Vatican library. He formed the Protomotheca gallery on the Capitol. Under his patronage a series of excavations were made around ancient monuments which contributed largely to antiquarian knowledge, and prepared a new historical light for the scholars of the century. De Rossi was surrounded on every side by science, literature, and art. Study and research was in the air; excavated monuments of Roman classicism were interpreted and preserved, and as I have said, works were instituted to bring to light those that still lay buried. He, no doubt found another inspiration at the Roman College whilst he was studying the Greek and Latin classics. His Professor of Greek was Father Giampietro Secchi, a man who as an archæologist and Hellenist was held in high authority in Germany as well as in Italy. The Greek course which Father Secchi gave included some lectures on Greek epigraphy. This study had a special fascination for De Rossi. He searched everywhere in Rome for Greek inscriptions, and wherever he found any, he set himself to decipher them. At this time he used to spend his leisure hours visiting the churches, museums, libraries, and ancient monuments. The celebrated scholar, Cardinal Mai, found him one day busy in the gallery of inscriptions at the Vatican. The Cardinal was curious to know what one so young could be at in that place, for De Rossi was then only fourteen years old. "I am copying a few Greek inscriptions, your Eminence," said the boy. "And do you understand them?" said the Cardinal. "Not all, your Eminence," replied

De Rossi, with the characteristic self-possession of a Roman youth, "there are some things here which I cannot make out," taking advantage of his opportunity to have it deciphered by the Cardinal. The Cardinal told him to come to him on the following day, that they would have a talk about his studies. The boy went, and the visit was the beginning of a friendship which lasted till the Cardinal's death. De Rossi never mentioned the name of the great Cardinal without enthusiasm.

The Church of *Stà Prassede* on the *Esquiline* is very ancient and very interesting. On the 20th July, 817, as an inscription in the church attests, two thousand three hundred bodies of martyrs were brought from the *Catacombs* by order of Pope *Paschal I.* to save them from the sacrilege of the *Lombards*, and were deposited in the crypt of that church. On the same day of the year 1842, the vigil of the saint's feast, De Rossi went to attend *Vespers* in the church, then visited the crypt where he occupied himself in copying inscriptions. Father *Marchi, S.J.*, a well-known archæologist, was at once attracted by the young man of twenty with tastes like his own. He had for years before become distinguished for his researches in classical antiquities, especially in numismatics, and had recently taken up the study of *Christian Archæology*, where the custodians of the *Catacombs* from *Bosio* to *Settele* had left it off. In the preceding year he had commenced what purposed to be a stupendous work on the monuments of early *Christian art*, the first volume of which appeared in 1844—the only one that has appeared. He was now advanced in years, and he saw in his young friend one who had youth, ability, and inclination to carry on the work when he in his turn would have laid it down. He invited De Rossi to visit him at the *Roman College*. The young man had already designed an immense work, which was to contain a critically arranged collection of *Christian inscriptions*; but from the time of his first interview with Father *Marchi*, he determined to devote his life to the study of *Christian Archæology* in general, and of the *catacombs* in particular.

Very few of the *Catacombs* had been then discovered,

and of these very little was accurately known. All sorts of stories about them had contributed to increase the folk-lore of the Romans. Until I came to understand from personal experience the impossibility of it, I accepted, in common with others a tradition which is still rife in the Roman colleges, that a *camerata* of German students visited the Catacombs of St. Sebastian some time in the last century, lost their way in the corridors, and were never heard of more. The popular imagination was alive with hideous spectres of skeletons, ghosts, and other indefinable bogies. If the intelligence of De Rossi's father did not heed these fancies, he thought prudence the better part of valour, at any rate for his son; and so, notwithstanding the young man's yearning to explore these subterranean places, his dutiful sense of obedience to his father's strict prohibition had hitherto kept him back. But, now that he had thrown in his lot with Father Marchi the situation was changed, his father's injunction was withdrawn, and the Columbus of the Catacombs visited them for the first time in company with his master. We need not stretch the imagination to fancy the feelings of the enthusiastic young student at that first visit. He must have felt as Columbus did when the vessel that bore him across the Atlantic was equipped and under way. His joy was of course less mingled with misgiving, because, although for all scientific knowledge and practical results, as much was known of America before Columbus sailed from Spain as was known of the Catacombs before the researches of De Rossi, he had the undoubting confidence of zeal and the instinct matured by science which made him feel certain of success.

In 1838, he spent a holiday in Tuscany with his parents. There is no wider or fitter field in Europe for the pursuit of mediæval studies than Tuscany, and De Rossi did not let his opportunity go waste. During that holiday he planned and laid the foundation of an historical knowledge of the Middle Ages which few specialists have excelled. With persons, whom ignorance of the subject persuades that they know enough of it to have an opinion, an archæologist means one

who indulges a morbid curiosity about old monuments and manuscripts, and keeps habitually poking amidst them without method or purpose. Fanaticism, they think, fixes his fancy; he mistakes analogies for arguments, and what might have been for what was. There are, to be sure, make-believers in archæology as well as in every other department of knowledge. There are those who aspire to a proficiency in it, but who are without the ability or the industry to execute their wish. But, to say that archæology is a barren or a purposeless pursuit, is to show a great ignorance of one of the most essential parts of critical history. The hair-splitting of degenerate schoolmen gave a pretext for calumny to the so-called reformers, and some "independent thinkers" who borrow their opinions from others still imagine that St. Thomas mostly occupied himself with discussing how many angels could dance on the point of a needle.<sup>1</sup> In archæology, too, there are the amateurs and the extravagant, and especially amongst the votaries of what is called modern criticism. At any rate, De Rossi was not of the race. Dr. Henzen, the President of the German Imperial Institute, on the occasion of his sixtieth birthday, called him the "founder of truly scientific archæology." Through his amazing industry, the Roman Catacombs, which were very little and inaccurately known before his time, are now located, dated, and understood, with a certainty which is hardly true of any other ancient monuments. The labour and critical power which that implied can be appreciated only by those who have studied his *Roma Sotterranea*. His immense learning, both sacred and profane, was informed by a rare inductive power—*olfactus quidam*—the present Cardinal Galimberti used to call it in his history lectures, as some of my readers may remember. He discerned an element of proof in trifles which most scholars would cast aside as worthless, collated them, connected them with other

<sup>1</sup> The stupid story is retailed in Tait's *Lectures on some recent Advances in Physical Science*. The late Father Harper says in the Introduction to his *Metaphysics of the School*, that it was seriously believed in Oxford in his time, and that he believed it himself, until, as he says, "subsequent study opened my mind to the absurdity of the fable."

things in the light of his historical knowledge, threaded his way, securing every step by complicated criticism, and wove a web of argument so delicate, and yet so strong, as to be proof against denial or doubt. In scribblings scratched on the wall of a house in Pompei, he found a proof that the Christian religion had made its way and had come into notice there before the year 79. Coins of the reigning Emperor were often impressed in the soft cement which sealed the slabs before the *loculi* in the Catacombs. These he made use of for fixing the date of many graves and corridors; and where the coins had fallen off, he succeeded in determining the date by examining their impression in the cement. Names and mottoes pencilled or scratched on the walls, called *graffiti*, he utilized in identifying burial-places of great historical importance. It was from reflecting on the number and nature of those writings that he was mainly led to examine a certain spot in the Catacombs of St. Calixtus, and from more direct evidences found there, he discovered where the Popes of the third century were buried. But we will refer to this later on; and in the meantime we will follow him for a little in his holidays, which he spent collecting manuscript evidence for his work through the libraries of Europe.

From 1844 to 1850 he spent his holidays, in company with his parents, in Latium, in the territory of the Hernici, in Naples, Pompei, and in other historic places of Central and Southern Italy. Whilst the revolutionists were desecrating and destroying the vestiges of the early Christians in Rome, he spent his time saving them in Naples. In 1850 his father died, and in 1853 he made his holidays alone for the first time, visiting Tuscany, the Romagna, Lombardy, and Venice. The following incident will illustrate how he forgot himself in his work. It seems hard to believe, but I give it on the authority of an acquaintance of mine who I know is too much of a German to relate it without having made sure of its truth.<sup>1</sup> He took his supper

<sup>1</sup> This is a convenient place to say that I owe most of these details which I give about De Rossi's private life to a biography of him which was published two years ago, by Herr Baumgarten, one of the Pope's chamber-

one night in Ferrara, and then travelled to Venice, where he arrived the following morning. He took his baggage to a hotel, and hurried *impransus* to the public library to consult a MS. of inscriptions which had been presented to it by Charles VIII. He became so absorbed in it that at 4 p.m. he was surprised by the librarian who told him that it was past the hour for closing, and that he must leave. De Rossi begged to be locked up in the library with the MS. The rules would not allow the librarian to do that, but he stretched a point for so distinguished a visitor, and allowed him to take the MS. to one of his own private apartments, provided him with a light, and gave him a key so that he could let himself out when he pleased. De Rossi studied on till midnight when, sleep having overpowered him, he went to his hotel for a few hours' rest. During the night it was a restless struggle with him, between dreaming of the MS. and sleeping. Early in the morning he went back to resume his studies, and worked on till 4 p.m., when he began to feel pains in his head and stomach. He wondered what he could have eaten that disagreed with him so, and only then recollected that he had eaten nothing since he had supped at Ferrara, the second evening before. He made known his mistake to the librarian, who laughed at his misfortune, and gave him something to eat.

In 1856, after visiting Liguria and Piedmont, he went to Switzerland, France, and Belgium. Two years later he re-visited Piedmont and Switzerland, and travelled along the Rhine to Cologne, thence to Aix-la-Chapelle, Trèves, and Frankfort. He then passed on to Bavaria and Austria, and returned by Venice and the Romagna to Rome. His first purpose wherever he went was to collect materials for his work. During these tours he acquired a good working knowledge of German, English, Spanish, Portuguese; French he spoke with the elegance and ease of a native, as those can bear witness who have listened to his lectures at

lains, and a personal friend of De Rossi. Since I knew him I believe he became a student of the Academia dei Nobili, and has become a priest. He heard the above fact from De Rossi himself.

the Catacombs on the feast-days of the martyrs.<sup>1</sup> After some years of persuasion to take a wife who would think of his meals whilst he was thinking of manuscripts, his mother had the satisfaction of seeing him married before her death, in 1861.

The following year he went with his wife to Paris, visited some towns in the north of France, and came across to London, where he studied for some days at the British Museum. In 1865, he went to Paris again, and visited some towns in Southern France. These, his archaeological pilgrimages, as we may call them, came to an end in 1879. In all, he visited Paris six times; Switzerland, Germany, Northern Italy, &c., several times also—in every instance for purposes of study. The treasures of classical and Christian antiquity stored up in Greece, Palestine, and Africa, he procured through the kindness of friends. His genial manner and simple ways made friends for him everywhere; governments opened their libraries and museums to him, and some of them have even sent valuable MSS. to Rome by their ambassadors, so that he might study them at his leisure.

It would be unduly long, as well as uninteresting to those who have never seen the Catacombs, if we were to point out at any length the topographical errors concerning them which prevailed before De Rossi's time. In a cemetery underneath the Church of St. Sebastian, on the Appian Way, there are several inscriptions which were set up in the early part of the fifteenth century. These inscriptions were trusted, and hence it was commonly believed that St. Callixtus, St. Cecilia, many Popes, and many thousand martyrs were buried there. Well, in the year 1849, De Rossi found an irregular diagonal section of

<sup>1</sup> He must have known something of Oriental languages also, if I am right in concluding that from an incident I have read in the Life of Mgr. de Merode, his great friend and patron. He took De Rossi once to explain the antiquities to some distinguished visitors. When they visited the Trappist Monastery at the *Tre Fontane*, a monk showed them a stone bearing an inscription in some unknown characters. De Rossi at once declared it to be Armenian, and dated from the twelfth century. "It is very precious," he said; "it is the second found in Rome in that language."



a marble slab in the cellar of a vineyard, nearer to Rome than the Church of St. Sebastian. It bore the upper part of the letters R and N followed in the same line by the letters NELIVS · MARTYR. It at once struck him that he had found part of the grave-stone of St. Cornelius, a Pope of the third century. He got Pius IX. to purchase the vineyard in order to excavate under it, and in the course of the excavations three years afterwards he found in one of the subterranean corridors another diagonal section of a slab containing the letters C and O, and the lower parts of the letters R and N, with the letters E P on the next line. He put the two fragments together; they fitted the grave over where the second fragment had lain, and no doubt remained in the mind of De Rossi that he had found the grave of Pope Cornelius. But that was little compared with what was to come. He had learnt from old documents that not far from the tomb of St. Cornelius was the famous cemetery of Pope St. Callixtus, the existence of which had been well known, but whose locality had been misplaced by tradition; moreover, that in this cemetery there was the chapel where were buried the bodies of the Popes of the third century; and in another beside that, the body of St. Cecilia. The excavations went on under his supervision, and a fragment of marble was found having three H's cut in it, one over the other, as if they were the initial letters of three consecutive lines of an inscription. He at once saw that they were Damasine characters.<sup>1</sup>

He soon found one hundred and twenty more fragments. He fitted them all together, supplying from the context a few letters that were missing, had them bound in a frame, and had the whole replaced where it was first set up by Pope Damasus, in the fourth century. His conjecture that he was excavating the place where the Popes of the third century were buried then became a certainty. As he had

<sup>1</sup> These are the beautifully-formed letters peculiar to the inscriptions set up by Pope Damasus in the latter part of the fourth century. They are quite easily distinguished by anyone who has carefully noticed them a few times.

divined also, he identified, beyond doubt, in an adjoining chamber the precise spot where the body of St. Cecilia lay, till her remains were removed to her church in the city, in the early part of the ninth century. In another corridor, not far from this, he gathered and fitted together the fragments of another slab containing an inscription which refers to a schism that arose during the pontificate of Pope Eusebius (309-311). It regards the discipline of the early Church concerning the reconciliation of those Christians who apostatized under stress of persecution, and who wanted to return to the fold again. This inscription throws light on an event in ecclesiastical history over which historians were very much in the clouds; in fact, it opens up a new chapter in ecclesiastical history, bearing on the doctrine and discipline of indulgences. For the sake of its historical interest I should explain it at length, omitting the other which I have just mentioned, but the latter is more to the purpose of my narrative, and besides a full exposition of it would require the space of a special article. This is but one instance of what De Rossi has done for ecclesiastical history, and for Catholic theology. He brought to light a series of chambers along another corridor, the walls of which are covered with frescoes representing the Seven Sacraments in the symbolic art then used by Christian artists, according to the caution which Church discipline had to enforce in those days of persecution. By similar discoveries he was able to trace back Catholic veneration for our Blessed Lady to the first, or to the early part of the second century. I had the good fortune to be present a few years ago at his first lecture, in a recently discovered burial chamber, in the Catacomb of Sta Priscilla, which he held to have belonged to the family of Acilius Glabrio. It seemed too good to be true that Christianity could claim that illustrious family also amongst its earliest Roman converts, and several persons proposed difficulties for conviction's sake. Some he good-naturedly put off with that meaningful shrug of the shoulder, which in an Italian is more eloquent than words; others he patiently argued with; I remember the Abbé Vigouroux was one; but nobody, I should think, left

without believing that De Rossi had rightly registered another *gens clarissima* amongst "the first who cast off the luxury of paganism for the discipline of Christ.

A short and satisfactory way of giving an idea of the success which rewarded his labours is to observe that from 1678, when the Catacombs were discovered, down to his own time, only a few monuments of any importance were found, and these less frequently by purpose than by chance, De Rossi in forty years found many which are of the greatest historical value. He never worked on chance. He calculated beforehand from various indications what the excavations on which he happened to be engaged were likely to bring to light; and in most cases his calculations came quite true; in no case was he quite mistaken. Moreover, he has established certain canons of chronology which can be safely applied to future excavations; their application to every new discovery has hitherto proved them trustworthy. It would, perhaps, little interest most readers to show in what his method of research differed from that of his predecessors, or how it happened that he had success where there had been so much failure. Let it be enough to recall the vast amount of materials he must have collected, personally, and through his friends, during those archæological pilgrimages he made: itineraries written by mediæval pilgrims, ancient liturgies, and other historical documents. These he catalogued, and classified in such order that reference to them became quite easy. He patiently examined every detail in the Catacombs themselves, considering each object in connection with the surrounding objects and with the place where he found it. He carefully kept out every theory that occurred to him till he found himself on firm ground, lest some preconception should possess his mind, and lead him to make it the measure of future discoveries which may happen to contain evidence to disprove it. "I have been obliged," he says, "to make a very long route indeed, and to undertake the minute and immense analysis which had discouraged all who have gone before me. I have studied the inscriptions, the paintings, and the sculptures, not separately, nor according to a classification

pre-determined on, but in their original positions, and considered in their relations to one another."<sup>1</sup>

But, his erudition and industry, extraordinary as each of these was, could not have sufficed for his purpose without patronage; and patronage, judicious but generous, he got from Pius IX. He had already enjoyed the friendship of His Holiness; and when he had made up his mind as to the certain results of excavating under the vineyard to which we have already referred, he besought the Pope to purchase the land on which the vineyard was. He was received in private audience, and his case was kindly heard, but being young and sanguine he was sent away with no promise, and with little hope. After leaving the audience-chamber he met Mgr. de Merode, who had great influence with the Pope, and great sympathy with De Rossi's plans, and told him that he feared it was all over. Mgr. de Merode at once went to the Pope, but the latter anticipated any intercession by laughingly saying: "I have sent De Rossi away like a whipped cat, but I'll buy the vineyard for him nevertheless." De Rossi waited outside to learn the result, and he was not kept long in suspense. The vineyard was soon purchased, and De Rossi set to work. The Pope soon found that all De Rossi's promises were coming to pass, and he expressed his intention of paying a visit there. He gave a dinner in a villa on the way, to which he invited several cardinals, ambassadors, and other eminent persons, amongst them De Rossi. During the dinner the conversation turned on archæology, and the Pope said—on purpose to be overheard by De Rossi—that he had not much faith in the study; that archæologists were dreamers and poets whose fancies were filled with all kinds of fantastic conclusions and theories. But De Rossi was not to be drawn out. The Pope afterwards sent Mgr. de Merode to tell him not to feel hurt at what he had said, that he said it in jest. "Oh, I understood his

<sup>1</sup> Not having De Rossi's own work at hand, I take the above from the *Roma Sotterranea*, published by the present Bishop of Clifton, and Provost Northcote of Birmingham. It professes to be only a compendium of De Rossi's work, but it contains really a good deal that is original. In all these investigations De Rossi had the invaluable aid of his brother, who is a distinguished mathematician and geologist.

meaning well," said De Rossi; "besides, I could not say anything, of course, in the presence of so many distinguished persons; but we are now going to the Catacombs, and I'll let the monuments speak; archæology will be able to defend itself down there." When they entered the Catacombs, De Rossi took His Holiness first to the Papal crypt, and showed him the fragments of the Damasine inscription which he had roughly put together for the occasion. "But is all this true," said the Pope, "can there be no mistake?" "There can be no mistake whatever, Holy Father," said De Rossi; "here we have also even the sepulchral inscriptions of the Popes who were buried here. If your Holiness take and put these pieces of marble together you can read the names of your predecessors of the third century." The Pope did so, and saw there was no mistaking the fact. He gazed at them in silence for a time, and said: "And these are really the sepulchral slabs of my predecessors of the third century?" De Rossi saw his opportunity and said: "Oh! no, Holy Father; only the dreams of archæologists!" It was his hour of triumph, and he enjoyed it. The Pope enjoyed it too, for he said: "What a malicious man you are, De Rossi."

These important discoveries made a deep impression on the Pope, and the young archæologist was firmly fixed in his friendship. He published the results of his excavations at the expense of his Holiness, to whom he dedicated the work in these words:—*Pio Nono, Pontifici Maximo, alteri Damaso*. The Pope graciously returned the compliment of being styled a second Damasus, by saying to De Rossi—"If I am a second Damasus, it is because I have found my St. Jerome in you." Three or four times he had miraculous escapes during the course of the excavations, either from falling through a hole into a lower corridor, or from being crushed by the falling in of a crypt. "But the saints have always saved me," he used to say. In 1863 he began to publish what we may call his archæological magazine—*Bulletino di Archæologia Cristiana*, which he continued till his death. In it he regularly wrote about his discoveries in the Catacombs according to his actual knowledge. But

what he wrote was tentative, awaiting further data; as I once heard him say, his "*ultima parola* was reserved for *Roma Sotterranea*." Three volumes of this latter work have appeared, and he had the fourth ready, or nearly so, before his death. I believe he was prepared to publish it seven or eight years ago, but he had no longer a Papal Government to undertake the cost. The Italian Government, so the report went, refused to bear the expense, till driven to it by shame at the prospect of its appearing as an item in an English or German parliamentary budget. In the meantime, new excavations brought new discoveries, and the publication was deferred. He has published besides two volumes on Christian inscriptions—about half his complete design; a work on Roman mosaics, &c. All these are ponderous volumes in folio. He was commissioned by the Academy of Berlin to bring out a monumental work on Latin inscriptions, conjointly with Mommsen and Henzen, and he had a similar commission from the Government of France. Besides these larger works, he has published more than three hundred pamphlets on various historical subjects.<sup>1</sup> Since 1870 the work of excavation has gone on very slowly for want of funds. Indeed, he would probably have gone to his grave without having discovered one of the most important of the Catacombs—that of St. Domitilla, the niece of Domitian, but for the princely generosity of Mgr. de Merode. The Pope could no longer subsidize, and the Italian Government would not. Mgr. de Merode from his private purse bought the land under which the Catacomb lay, and placed it at the disposal of De Rossi. An amusing circumstance connected with the purchase is that Mgr. de Merode paid for it out of the money which the Piedmontese Government had to give him on the purchase, at an enormous price, of some building ground which he had bought for a trifle a short time before they invaded Rome.

We have omitted to credit him with the arrangement of the Lateran Museum of Christian Inscriptions—a work of immense care and critical power. But, although we have

<sup>1</sup> I have before me an *Album* presented to him on the occasion of his 70th birthday. A list of his writings is given in it, and it covers more than forty pages of large quarto.

crushed as much as we could within the limits allowed us, we are knowingly but necessarily omitting many things which would show him as a great scholar, and, what he gloried in immensely more, a man of simple lively faith. His piety was not demonstrative, but it was earnest and true. He was not of those Catholics—too numerous at the present time—whose faith is seen more on parade than in practice. This generation has been prolific of a crop of Catholic weeds who, from motives best known to their conscience, persistently proclaim their faith from the housetops, in season, but especially out of season. They are better Catholics than these and than those—better Catholics than the Pope, if he should dare to differ from them; more moral than the moral law, if it should happen to hinder their purposes. De Rossi was not of that race. There are men also whose mental vision is bounded within the valley of the “little learning” which they have; their habitual self-consciousness makes them self-sufficient, and in the fulness of their conceit, whatever they do not know is unknowable. Neither was De Rossi of that race. He had a learning of too high an order not to see that the field of truth widens out before the progress of our knowledge, and he knew that the highest wisdom is the consciousness of want; therefore he was not too critical to be a believer, nor too scientific to say his prayers. He was a Catholic in deed as well as in name, and hence he did not see why he should keep persuading the world of it; his conscience did not suggest to him the need for words, for his works were the best witness of his faith before men. Those who have not works to speak for them, naturally turn to words, and speak for themselves.

He had the refined simplicity of a truly great man. He forgot himself in pursuit of the study to which he devoted his life. His love for it was so single and pure, that he did not care who had the good fortune to make a discovery, provided something new was added to the evidences of Catholic truth. He was above all professional jealousy, so common amongst persons of the same pursuits. I remember when Mgr. Wilpert, a young German archæologist,

succeeded a few years ago in tracing the lines of some frescoes in the Catacombs which had escaped De Rossi, owing to the weakness of his sight, the latter encouraged and aided him with as much interest as if the discovery had been his own. He co-operated largely in the editing of the *Martyrologium Hieronymianum*, although the work is always connected with the name of the Abbe Duchesne. To a person who thanked him once for information imparted, he replied from the Book of Wisdom—*Sine fictione didici et sine invidia communico*. The writer of this once asked him for sources of reference in connection with a certain subject, and was listened to with as much interest as if it was De Rossi was getting the information. The information, needless to say, was not long coming; it hardly called forth a conscious effort of memory. But we can best appreciate his character from the fact that in 1882 and 1892, the 60th and 70th anniversaries of his birthday were celebrated in Rome by cardinals, ambassadors, representatives from nearly every learned society in Europe, and by letters of congratulation from the Holy Father. Although he never took an active part in public questions, he never missed an opportunity of showing his adhesion to the claims of the Holy See.<sup>1</sup>

Whilst the *Kulterkampf* was persecuting the Catholics of Germany, he was offered by the German Government one of the highest decorations in its gift, but he declined it lest his acceptance should be misconstrued. But when Windthorst had won, and the persecution had practically ceased, the offer was renewed, and De Rossi accepted it after having consulted the Pope if he might do so. He had decorations also from France, Spain, and other countries. Pius IX. made him a Knight of the Order of Pius, and Leo XIII. made him *Commendatore* of the same order. I thought that the Pope created him Count on the occasion of his 70th

<sup>1</sup> He became a member of the Municipal Council of Rome in order to save ancient monuments from the vandalism of those who are capable of erecting Peabody Buildings over the Forum, if it were expedient. He has thus saved many monuments; for he was feared as well as respected by them. He succeeded in saving one monument of art only by threatening the new rulers of the Council that he would denounce them before Europe.



birthday, but I suppose I was mistaken, as Baumgarten does not mention it in his book. There is hardly a learned society in the Old and New World of which he was not a member, and he had a doctor's degree *honoris causa* from several universities. When the learned Father Theiner had ceased to be custodian of the Vatican Archives, Pius IX. offered the position to De Rossi. He asked the Pope not to insist on the offer; that, though it was the strongest temptation he had ever to resist, having spent his life at the study of early Christian history, it would be better to complete his work than to turn, at his time of life, to the study of mediæval history also, which up to that had been for him but a subsidiary study. Before that the Pope wanted him to accept a chair of archæology at the Roman University, in order that students would have the advantage of a systematic teaching under him. That also De Rossi asked to be freed from, as it would bind him to a fixed hour each day, whereas he needed entire freedom as a condition of success for his researches at the Catacombs. The Pope agreed with the reasons he gave in both cases, and consented to leave him free. But shortly after Leo XIII. became Pope, he made De Rossi an offer which, so far from having any reason to refuse, it should be his delight to accept. I have before me the Papal Brief of October 23rd, 1878, by which De Rossi was made Prefect of the Christian Museum at the Vatican. That was a singular honour, for it was an office created specially for De Rossi, with the clause, moreover, that the office thus created for him should die with him. It was an honour hardly known in the history of the Roman Curia. I think I cannot do better than close this sketch with the closing words of the Brief:—"Hoc autem officium ceteris, quibus nitide fungeris, ita additum volumus, ut tanquam singulare Nostræ in te voluntatis testimonium, tibi uni, quamdiu viveris, tuæque solum personæ ob egregia merita collatum et reservatum declaremus." That office ceased to exist on the 20th of September last, when De Rossi died.

When he recovered, last year, from an attack of apoplexy, the Holy Father placed at his disposal the old

Papal summer residence at Castel Gandolfo—a magnificent mansion, silent and solemn as the Alban lake over which it stands. It was a fitting place for him, who had spent his life among monuments, to spend his last days. Sitting at his window, he could see, on the opposite side of the lake, the site of Alba Longa.

“Genus unde Latinum

Albanique patres, atque altae moenia Romae.”

Beneath him, within a stone's throw, was the *emissarium*, on which depended the fate of Veii—so said the soothsayers. He was almost under the shadow of the mount on which the consuls used to make their vows, and celebrate the Latin holidays, before setting out for their provinces. His eye could follow the Alban and Sabine hills, stretching eastward by Tusculum and Tivoli, favourite haunts of Cicero and Horace. He could nearly see the site of

“Lake Regillus,

Under the Porcian height,”

whence Postumius, the dictator, after the defeat of the Latins, brought in triumph

“The spoils of thirty cities,  
To deck the shrines of Rome.”

Looking northwards, along the Roman Campagna, he could see Mentana and Monte Rotondo, where the last successful stand was made to save the Eternal City from the last “irruption of the barbarians” (A.D. 1867). And there was Rome, sitting solitary in the centre of the plain, having witnessed the vicissitudes of the historic places around, and outlived them—a fitting symbol of the power enshrined there, which has seen the beginning and end of many kingdoms; and, as it seems, has already seen the beginning of the end of that kingdom which was celebrating its twenty-fourth birthday whilst De Rossi was dying.

M. O'RIORDAN.

## THE CIVIL MARRIAGE LAWS IN HUNGARY—II.

**T**HE new Prime Minister of Hungary, Dr. Weckerle, though not a Calvinist himself, belonged to the school of rationalistic Protestants who make common cause with unbelievers of every colour and description. He had a considerable advantage over Tisza and Czaky in being extremely popular in Hungary. He is a man of great intellectual ability and almost unlimited power of work. He is learned, eloquent, and thoroughly equipped for administrative duties. During his term of office as Minister of Finance under the administration of Tisza he lifted a great load of taxation off the shoulders of the people, and by a clever conversion of funds at the same time cleared away a large deficit in the budget. In addition to these claims to popularity, he is said to possess all the magnetic charms of a leader. He is young, affable, insinuating, and in all his declarations and pretensions, he adopts a tone of friendship towards the Church and of respect towards the bishops. But when it comes to a question of policy and principle these qualities only make him all the more dangerous.

On the 22nd of November, 1892, he made his ministerial profession of faith in the Chamber of Deputies, and declared his intention to introduce and press forward the whole programme of the advanced Liberals. In other words, the Freemasons were triumphant. They had secured in Weckerle the best possible man for their purposes.

According to the new programme the Civil State was to be completely secularized; the Ministry of Worship in Buda Pesth, and the temporal affairs of the remotest country church might be directed by a Jew or a Calvinist, or a Mohammedan; schools and chapels were to be erected and maintained at the expense of the state for every sect. The registration by the clergy of a marriage or birth was to become worthless in law; the Jews were to be *received* on the same footing as the Christian denominations; there was to be absolute freedom of worship and absolute

equality for all forms of belief; and, finally, marriage, in order to have any civil effects, was to be contracted before a functionary of the State, and would not be recognised as valid, except in virtue of this solemn official ceremony.

Mgr. Varsary now summoned his colleagues in the episcopate to meet once more at Ofen and deliberate on the situation. The result of their sessions was soon made known to the country. As usual their attitude was moderate and conciliatory. They offered no opposition to the reception of the Jews. They even allowed what is called the "Secularization of the Civil State" to pass without comment. But they unanimously condemned the portion concerning "obligatory civil marriage," which they looked upon as a violation of Christian dogma and a profanation of the sacrament.

They followed up this condemnation with a "memorandum" to the King, and another to the Government, pointing out the radical objections they entertained towards the sacrilegious project that was put forward. Finally, they wrote a joint letter to the Pope, in which they assured his Holiness of their absolute devotion to the Holy See, and pledged themselves to struggle with all their might to prevent this godless scheme from becoming part of the legislation of Hungary. On their return to their respective dioceses they were thoroughly animated with the spirit of resistance. They hastened to communicate the decisions of the Conference at Ofen to their clergy and people. Mgr. Schopper, the aged Bishop of Rosenau, senior of the Episcopate, was the first to lead off with a vigorous pastoral in which he denounced the projected laws without mincing his words. A regular storm was raised against him in the country by the Freemasons and the Jewish press, and the minister was called upon to punish him for violation of the *Jus placeti*. But the Government did not dare to lay hands on a prince of the Church, and the other bishops were not slow to follow with equally energetic protests. From all the pulpits and altars of the country these protests were read and emphasized by the priests. Petitions were drawn up and forwarded to the Chambers, the Government, and the King.

In the midst of this agitation a letter, *Constanti Hungarorum*, reached the bishops from the illustrious prisoner in the Vatican. Leo XIII. dwelt at length on the encroachments that had been already made on the liberty of the Church in Hungary.

"But [he proceeds] still greater evils threaten the religion of your fathers. The enemies of Christianity in Hungary do not conceal their intentions. They are endeavouring by every means in their power to reduce the Church to a condition more and more miserable. We, therefore, exhort you, Venerable Brethren, to spare no efforts to ward off from your flocks and from your country these threatened attacks. Act in such a manner that, encouraged by your example and your authority, all may boldly defend the holy cause of religion."

The bishops thus exhorted by the father of all the faithful hastened to obey his paternal instructions. They drew up and published a joint manifesto to the Catholic people of Hungary from which we extract a few of the most important passages:—

"In presence [they said] of the danger which threatens our country, we have assembled around the illustrious relics of our holy King, St. Stephen, to deliberate on the best means of meeting the schemes which the enemies of our ancient Church are planning and maturing against us. For a long time already we have been obliged to struggle against legislation which denied the rights of parents to their children. In answer to our protests and complaints, those invested with public power have nothing better to offer us than the prospect of additional chains to bind and oppress the consciences of Catholics. They have submitted for the approval of the Legislature a series of proposals which, of their very nature, are fundamentally opposed to Christian law, open the door to all kinds of false doctrines, profane the sacrament of marriage, and deny the jurisdiction of the Church in matters which belong exclusively to her domain. We, the Bishops of Hungary, have gone already to the extreme verge of patience and conciliation. To-day we can go no farther; and we are compelled to defend sacred and imperishable rights which can never be forfeited by us. Faithful to our duty, putting aside all human considerations, obeying only the laws of God, fully conscious of our grave responsibilities, ready to sacrifice everything for your souls, notwithstanding our love for the Apostolic King and our devotion to our native land, notwithstanding our respect for the Civil Power, and for those who under Divine Providence are its

depositaries amongst us, we raise our voices in loud and unanimous protest against these ministerial projects, which menace our peace, our dogmas, our consciences, and threaten to involve our country in the bitterest of feuds.

"We, therefore, call upon you to group yourselves around your bishops, in order that we may all be united in the faith, and defend what is dearest to us in this world. The faithful are obliged to fight for the Church, and to defend her against her enemies. To shirk this duty would give proof of indifference or of cowardice. The greatest danger to the Church arises from the apathy of her children, whose indolence often gives strength to her enemies. No doubt, 'the gates of hell shall not prevail against her;' but it has happened more than once, that through the fault of Catholics themselves, whole nations have been cut off from that rich and wonderful source of spiritual life which Christ established on earth.

"Ours, moreover, is a defensive struggle; it is not an aggression. In claiming respect for our consciences and our creed we only defend them. It is impossible for us not to profess the ancient faith of our fathers, and not to proclaim our attachment to the Church which, ten centuries ago, founded this kingdom of Hungary, 'was its nurse, its mother, and its benefactress. We cannot now allow it to be insulted and overthrown. Such indifference on our part, such negligence, would be a national crime, for which Hungary would surely suffer. We do not attack the civil power, for this power is limited by Divine laws, and it is our duty to see that it does not transgress its bounds. We are not the enemies of progress. What is now proposed is not an advance, but a retrogression towards paganism and corruption."

The bishops, however, did not stop short at a mere manifesto. They had now taken up the challenge of the Government, and they were determined to go through with the struggle. They summoned the Catholics of Hungary to a national congress at Buda-Pesth, where they should, at the same time, make a demonstration of their strength, and proclaim to the world that they would not tamely submit to be trampled upon. Accordingly, on the 16th of January, 1893, deputations arrived from all parts of the country and filled the streets of the capital. Forty thousand Catholics took part in the demonstration. In the significant words of the hostile press: "the streets were invaded by an enormous multitude of Catholic peasants in their Sunday clothes, and of priests and magnates at their head." After the usual

religious celebrations, a monster meeting was organized. Counts Nicholas Esterhazy and Ferdinand Zichy were the leading spirits of the assembly.

Mgr. Vasary, the Primate, who had just been raised to the Cardinalate, by Pope Leo XIII., presided, and delivered the inaugural address. He was received with unbounded enthusiasm :—

“Honoured citizens ! [he said] although we do not outstep the limits of constitutional right, which belongs to the citizens of every free state, yet this first assembly of the Catholics of Hungary, towards the nine hundredth year of our national existence may cause a little surprise. Circumstances have arisen, however, which have made it an absolute necessity. In past times we had no need to defend our religious rights and our liberty of conscience. In 1790, a law was proclaimed in this land which stated, ‘*that Protestants whatever might be their rank should not be forced to do anything that was opposed to their religious principles.*’ We are assembled here to-day in defence of the same rights for ourselves which, a century ago, the Catholics granted to their Protestant fellow-countrymen. At that time our Church held the supremacy here, and was free to accord or to withhold these privileges as she saw fit. We not only ask to-day from the State, what was freely granted to Protestants a hundred years ago, but we are here to demand it, to insist upon it, and, if needs be, to exact it. Our claim to it cannot be disputed, seeing that we are the descendants of the men who founded this Hungarian fatherland, maintained its independence by their bravery, and defended it with their blood.

“We, Catholics, know perfectly well how to accommodate ourselves to the changes that go on around us. But, in the domain of faith and morals, we cannot bend before the will of an individual, or before popular movements, or before the spirit of the times, because human laws are changing and transitory, whilst divine truth can neither change nor pass away. We are ready to sacrifice everything that is perishable : our fortune, our property, our lives, we offer to our king and to our fatherland on earth ; but our souls we cannot give away ; they belong to God and to the fatherland of heaven.”

The Cardinal was followed in the same tone by the chiefs of the Hungarian aristocracy and the Catholic leaders of the people, the Zichys, the Hunyadys, the Esterhazys, the Szaparys, &c.

The enthusiasm raised all over the country by this demonstration frightened the Government, and made them

fear its results. So they now determined to hold a counter-demonstration, and on the 4th of March, their procession defiled through the streets of the capital. "Since the siege of Jerusalem," says a writer in the *Magyar Allam*, "such a multitude of Jews was never seen together before." But, besides the sons of Israel, the students of the university, and the officials of the lodges, the godless rabble of Buda-Pesth, and of all the Hungarian towns and cities were to be seen in the throng. And saddest sight of all, in the midst of this motley gathering were noticed a few scions of the old and time-honoured Catholic houses of Hungary, the Orczys, the Andrassys, the Palfys, the Karolyis. It is believed that they marched at the head of the procession, on that day, with a sword in their hearts. Like the Bassanios and the Antonios of Venice, they had put their necks in the halter. They had signed the illustrious names they bore to the bond of Shylock, and they knew that Shylock would have his pound of flesh and foreclose their mortgages, if they refused their noble presence to his uproarious band. There was, as might be expected, a notable contrast between the order, the decorum, and the self-respect that prevailed at the Catholic meeting, and the turbulent conduct of the supporters of the Government, who had frequent recourse to violence, and prolonged their disturbances to all hours of the night, shouting like maniacs before the houses of Catholic noblemen and opponents of the Government, singing vile songs that remind one of the "Carmagnole" and "Ça Ira" of the great Revolution, and threatening to tear their opponents to pieces or burn the houses over their heads. The police, however willing, could not interfere, as their orders were to allow the crowds to demonstrate to their hearts' content.

Meanwhile Weckerle had opened his campaign in the Chambers, and begun by submitting his famous Bill on "Obligatory Civil Marriage." And now, at last, it becomes our duty to explain, in some detail, the nature of this famous proposal. It will be noticed with what malicious minuteness its framers entered into the work, in order to contravene and reverse almost every item of Catholic



and Christian ordinance that relates to the laws of marriage.

The Bill<sup>1</sup> is divided into ten chapters and one hundred and sixty-six clauses. The first chapter contains regulations regarding espousals and promises of marriage, "sponsalia;" the second regulates impediments; the third, the celebration of the marriage; the fourth, the cases in which marriage may be dissolved by law; the fifth, cases in which the marriage bond is not recognised; the sixth treats of cases of separation of the parties; and the four last contain dispositions regarding marriages contracted outside of Hungary, determine the penalties to be inflicted for non-observance of the present laws, and some final instructions to parents and officials.

Two paragraphs from the first chapter will give us an insight into the spirit of the whole of it. They are as follows:—

"Espousals give no ground for any action against the party who does not wish to contract the marriage."

"Any compact or arrangement contrary to this regulation is void in law."

Thus the word of honour, plighted troth, the most sacred contract, may be repudiated and foresworn by the youth of Hungary, as the whim or the fancy takes them, according to the terms of this precious chapter. The freedom thus conferred is not the natural liberty which all men claim, but the freedom of the libertine and the knave. Hearts may be broken, honour may be sacrificed, parents may grieve, the nuptial dress may be put aside, the families and friends of the betrothed may spend themselves in hatred and strife, provided the young Hungarian Freemason be not restricted in his liberty; *i.e.*, exposed to an action for "breach of promise," should he deceive and betray the party that trusted in his honour.

By the dispositions of this chapter the impediment of "public honesty," arising from espousals which had

<sup>1</sup> See *Civiltà Cattolica*, 7th of July, 1894, pages 50-56.

hitherto been recognised in conformity with the teaching of the Church is completely removed.

In the second chapter new impediments to matrimony are invented by the State, and old ones of the Church are set aside. Thus three grades of minors are marked out. Youths of the male sex cannot validly contract marriage before they enter their nineteenth year, nor females before they enter their sixteenth, unless the Minister of Justice is graciously pleased to grant them a dispensation. From eighteen years to twenty the consent of parents is required, and from twenty to twenty-four the same holds good, with certain modifications, as to the results. We need not stop to notice here how far these regulations are opposed to the law of nature itself. The only degree of kinship or consanguinity that is recognised as an impediment is the first. Brothers and sisters, fathers and daughters, mothers and sons, may not be validly married; all others may. All impediments arising from affinity are cleared away. Spiritual relationship is not even thought worthy of being mentioned. The impediment "*disparitatis cultus*," or "*mixtae religionis*," disappears. On the other hand, marriage is forbidden not only to deaf mutes and simpletons, between the adopter and adopted, between the guardian and his ward, to the adulterous spouse after the dissolution of the marriage by law, to divorced persons for ten months after the issue of the decree, but also to soldiers and policemen, unless they are specially allowed by the military authorities or by the law; and to all besides who fail to give the legal notice to the public by proclamation of their intention to contract.

The most important clauses in the third chapter refer to the celebration of the marriage:—

"The marriage must be contracted in presence of a civil official; and any union otherwise contracted will not be valid."

"The marriage must take place in public, at the office appointed for the purpose, before the civil official in the actual exercise of his functions and in the presence of witnesses. The parties must solemnly declare their intention of contracting; and this done, the civil official will declare them married in the eyes of the law."

And in the eighth chapter there is a clause to the effect that :—

“Should any parish priest, or any other ecclesiastic invested with the right of carrying out the religious ceremony, proceed to celebrate the marriage, in his church or elsewhere, previous to the civil celebration, he shall be regarded as guilty of an offence punishable by a fine of a thousand guldens; and, in case the offence is repeated, by an additional fine of a thousand guldens, and a term of imprisonment.”

One of the patent results that may follow from these clauses, and one that is greatly feared in Hungary, is that in towns and cities young Freemasons may induce pious girls to marry them, on the understanding that the ceremony shall take place at once in the Church after the ceremony of the State, and that they may afterwards break their promise, and confine themselves to the State ceremony, having thereby obtained the right by law to compel the spouse to cohabit with them and deliver over the administration of their dowries.

The list of cases in which the marriage may be dissolved by law, is worthy of attention. A divorce may be obtained for adultery; for a condemnation on either side to five years' imprisonment; on account of danger to health; on account of malicious abandonment by one of the parties; for disobedience to the judicial decree ordering the parties to cohabit; for crimes committed through an inordinate desire of acquiring riches; for want of communication between the parties during a term exceeding one year. And lest these cases should not suffice, discretion is left to the judges to pronounce a decree of divorce, if they are of opinion, after having examined the character of the parties, that married life between them would be vexatious and intolerable.

The discussion of the Bill lasted several weeks, and was interrupted by the funeral of Kossuth—the *illustrious Kossuth*, as he has been called by our Irish Catholic newspapers, unaware, we hope, that *the illustrious Kossuth* was the life-long and implacable enemy of their Church and faith. Several important speeches were delivered in defence of the

Catholic laws of marriage, notably by Count Joseph Szapary, the late Prime Minister, and by Count Albert Apponyi, a pupil of the Jesuits, one of the most promising of the young Catholics of Hungary, and destined, it is believed, at no distant date, to reach the head of affairs. To prove the length to which the Catholic deputies were prepared to go in order to satisfy the scruples and claims of their opponents, Count Apponyi proposed an amendment to one of the most important clauses of the Bill, in the following terms:—

“The marriage must be solemnly contracted in one of the recognised churches, but mixed marriages may be legally contracted according to the rites of the religion of either husband or wife. If the Churches, for reasons which they deem sufficient, refuse to celebrate the marriage, the parties may then be united before the civil authorities, and the same procedure will be open to those who belong to none of the received denominations.”

This amendment covered every case in which there could be the semblance of a grievance. It is the law in force in Austria, the “Noth Civil Ehe,” as it is called. It legalized marriages that the Church could never countenance, and embraced almost every imaginable case that could be reasonably expected to turn up, whilst at the same time it safeguarded, to a great extent at least, the principle of religious marriage, and the respect due to the sacrament. That, however, was enough for the Government and its supporters. It was not the liberty of the subject they desired, nearly so much as the humiliation of the Church. They would have no half measures, no compromise. The atheistic programme should not suffer by a single iota. It would pass whole and entire, or not at all.

On the 9th of April, 1893, an obedient majority answered the call of the Government, and voted in favour of the Bill; and, on the 7th of May, it was duly presented by the representatives of the Government to the chamber of Magnates. Here its course was not so triumphant. The debate lasted for four days, during which the arguments on either side were summarized, and urged by the leaders of the different parties. One of the best speeches of the debate was delivered by Mgr. Schlauch, the Bishop of Grosswardein,

who had also been raised to the Cardinalate as a mark of special regard for the Hungarian people on the part of Leo XIII. He was ably seconded by Cardinal Vasary, by Mgr. Miron Roman, the Roumanian Metropolitan, and by the Servian Patriarch, George Brancovics. Other Protestants, and schismatics also opposed the law; amongst them the Roumanian and orthodox bishops Meleanu and Popea, and Count Albert Zay, the representative of the Lutherans. In this first encounter the opponents of the Bill were successful. It was rejected by a majority of thirty votes. A riotous crowd of Jews, university students, and socialist organizers hooted and insulted the bishops as they made their exit from the chamber, as a consolation for the defeated ministers.

Eleven days after its rejection, the bill was re-introduced in the lower chamber, and passed almost without discussion. It was now also accompanied by a threatening message to the magnates, warning them of the results of their obstinacy. To insure his success, Weckerle asked the Emperor to appoint a certain number of peers favourable to the Bill, and thus give a lesson to the recalcitrant magnates that might serve them in the future. The Emperor declined to follow this advice, whereupon Weckerle tendered the resignation of the whole Cabinet. The Emperor accepted the resignation, and sent for the Ban of Croatia, Count Khuen Hedervary, to form a ministry. Hedervary soon came to the conclusion that the task was impossible, for although he himself was in favour of the Marriage Bill, the Freemasons were determined that the glory of carrying it should belong to Weckerle, and no one else. Weckerle accordingly had to be recalled. The Emperor, however, made his second appointment on the condition that three particularly bitter and offensive Calvinists should be excluded from the Cabinet. These were: Szylagyi, the minister of justice; a certain Count Bethlen; and Louis Tisza, brother of the former Prime Minister. To these was added, for one reason or another, Albin Czacky, whose character we have already sketched. In return, however, the Emperor yielded to Weckerle's

request to furnish a new group of peers who should be in favour of the Government Bills, and to exercise pressure on the court officials, either to absent themselves or support the Government.

By this arrangement the Bills have passed.

For a considerable time it was hoped the Emperor would refuse to append his name to the enactments. On the 17th of September last, he visited Buda-Pesth for the autumn manœuvres of the army. Soon after his arrival at the Royal Castle he received a deputation of the clergy, headed by Cardinal Vasary. The Cardinal, in addressing his Majesty, greeted him as the prince of peace, and continued as follows :—

“In the spiritual conflict which has recently been fought, we defended the rights of our Church, not only as based upon dogma, and required by religion, but also from the conviction that we were acting in the interests of the Fatherland and the throne. Although deeply concerned on this account we cannot waver in our profound loyalty as subjects. We pray God to show your Majesty the true path by which your people may be led to the temporal and eternal source of all prosperity. And with that hope deep in our hearts we beg for a continuance of your royal favour.”

In the course of a reply in which the Emperor seemed more than usually affected, he said :—

“I am convinced that the clergy of our Holy Church will continue in the future as they have done in the past, carefully to preserve their traditional civic virtues. I assure them of my unalterable favour. May the blessing of Heaven guide them in their holy calling.”<sup>1</sup>

Numberless petitions were forwarded to his Majesty from all parts of Hungary, urging him to refuse his sanction to the Bill, and reminding him of the oath he swore at his coronation to protect the Church. All the bishops petitioned against the sanction, and a special “Memorandum” was forwarded by Cardinal Schlauch explaining the dogmatic, historic, and patriotic objections entertained by the bishops to this legislation. Other voices and warnings were

<sup>1</sup> See *The Times*, Wednesday, September 19th.

also raised to remind the Emperor of the gravity of his decision.

"It is written [says the *Magyar Allam*'], that we shall hearken to the word of God rather than to that of man, and that the Almighty will visit the sins of the fathers upon the children unto the third and fourth generations. Woe to the dynasty that challenges the judgment of God. Woe to the nation and to every man who renounces the faith of his fathers, and forgets that one day he must render an account of his actions. We lift our eyes with the deepest sympathy towards our Lord and King at the difficult moment when a decision has to be taken. May the fortifying power of grace fill his heart with courage, and enlighten his spirit, so as to enable him to oppose the demands put forward on the ground of a false interpretation of the constitution. May he remain faithful to his apostolic reputation, to his oath, and to the traditions of his august family, and by his decision restore the nation's peace, secure the future of the Fatherland, the stability of his house, and the salvation of his soul."

In the meantime, Weckerle pressed forward his other reforms, the reception of the Jews, the abolition of registration by the clergy, freedom of worship, which means that not only the Jews, but all kinds of petty sects must be provided with schools, and places of worship at the expense of the state. A whole batch of ecclesiastical Bills were submitted together and received the royal assent.

It is possible that good results may follow from all this. The fault does not lie so much with a constitutional Emperor in a democratic age as with the Catholics themselves and with the Catholics of every grade, clergy as well as laity. Now, at all events, the triumph of their enemies will give them an additional stimulus to work. Seeing that they must trust to themselves alone, they will be more energetic and self-reliant. They have already made a good beginning under the zealous leadership of Zichy, who tells them plainly it is their own fault if they are at the mercy of ministers and emperors. He reminds them of their three canonized kings, St. Stephen, St. Emerick, and St. Ladislas, the authors of their constitution and of their power; of the Hunyadys and the Corvini who saved Europe from the

<sup>1</sup> One of the Catholic newspapers of Buda-Pesth.

Turks and crushed the treacherous Hussites of Bohemia, who took advantage of their absence in the defence of Christendom to pillage their country. He recalls to them the benignant memory of their holy queen, St. Elizabeth, who shed the lustre of her sanctity and the glory of her name upon the whole world, and who left to the Hungarians, in particular, so stimulating an example of generosity and self-sacrifice.

We wish them success in their noble campaign, and we repeat the words of the great Catholic poet of the Middle Ages:--

“ O beata Ungheria, se non si lascia ”  
“ Piu malmenare ! ”<sup>1</sup>

If they are in earnest in this business, they are sure to succeed: it may not be in a year or in a decade: but the triumph will ultimately come. Meantime they can create such a stir and make such effective protests as will give to the world the much-needed lesson that the marriage code of the Holy Catholic Church cannot be lightly tampered with. That code has been the same for the greatest and the poorest, for a Philip Augustus and a Henry VIII. as for the humblest peasant in the land. It has defied stronger passions than those which are let loose to-day, and has been, down through the ages, the girdle of the spouse of Christ, the salt of the earth, the barrier of society, a guiding light from heaven to maintain the dignity of men and the happiness of the world. It would really be too sad a sight to see it yield without a contest to a combination of socialists, Jews, and Freemasons in modern Hungary.

J. F. HOGAN,  
*Editor I. E. R.*



## Theological Notes

### ANSWERS TO CORRESPONDENTS

#### THE TESTAMENTARY POWERS OF PERSONS WHO ARE ABOUT TO MAKE SOLEMN VOWS IN A STRICT RELIGIOUS ORDER.

REV. DEAR SIR,—Would you kindly favour us by answering in your much esteemed periodical the few following queries?

1. Can a religious before *solemn* profession dispose by will (testament) of property which he does not yet possess, but which in a few years will *certainly* fall to him?

2. Can he dispose of property which possibly *may* fall to him after this fashion: "I will and bequeath all and whatever property which may possibly fall to me upon my death to N.N."?

Is this according to Canon law, and also we wish to know how far it is according to English law? We send the case in English and French, judging that perhaps the one may correct or render clearer the other.

JUNIOR PROFESSUS.

#### *Testament de Religieux.*

Un religieux Profès de vœux simples, peut-il, au moment de sa profession solennelle, disposer, par anticipation et en faveur de qui il lui plait :

1. De biens *futurs* certains (biens de famille).

2. De biens *futurs* *accidentels* (auxquels il n'a présentement aucun droit, et auxquels il ne pense même *pas*).

*S'il* le peut d'après le Droit Canon—

Le peut-il aussi d'après la loi anglaise?

Enfin : Quelle est la pratique suivie en Angleterre par les Ordres religieux à vœux solennels?

We should like very much to see this question answered by some one better versed in the nature and obligations of the religious state than we can pretend to be. However, as the question is referred to us, we shall briefly state our views about it. We think that a person who is about to make solemn vows in a strict religious Order, can make a will in favour of the Order, but that he cannot make a will disposing of goods which may accrue to him after his profession, to persons outside the Order.

1. *He can make a will in favour of the Order.* That a person who has not yet made his solemn vows can make a will, cannot well be disputed. But, it may be asked, how can this will avail the religious Order, seeing that after his solemn vows a religious cannot acquire property, and, therefore, can have nothing to bequeath by will? Is it not an axiom of Canon law, that a religious acquires property, not for himself, but for his Order: "*Quidquid monachus acquirit, non sibi, sed monasterio acquirit;*" and if he acquires for the Order, and not for himself, if he can have nothing of his own that is *pretio aestimabili*, how can he bequeath anything by will? It has been always the wish of the Church that property inherited by, or left to, members of a religious Order, should pass into the possession of the Community. And while the Civil law was in harmony with Canon law, no difficulty could have arisen, as the Civil law enacted that property left to a professed religious should belong, by right, to his monastery. In these circumstances, it was not necessary for a religious to make a will in favour of his monastery. But the spirit of the Civil law towards professed religious has changed; and, in order to protect the rights and interests of the latter, wherever the State refuses to recognise the right of a monastery to goods or property given or bequeathed to one of its religious, the individual religious can now, according to Decisions of the Congregation of Regulars, and of the Pope himself, acquire, retain, and transfer to his monastery, *ad normam legum civilium*, any property which he may receive after his profession.

But, it may be asked, if he acquires property only to transfer it *immediately* to his monastery, how can his *will* avail the monastery? There may be goods bequeathed to him, which did not come into his possession during his lifetime; or his right to certain goods may not have been established before his death, and manifestly in these and similar cases a will made in favour of the Order may be very beneficial to it.

2. *A religious about to take solemn vows cannot before his profession, make a will, bequeathing to persons outside his Order property which may fall to him after his profession.*

Of course a religious can validly write out a will before his profession, and have it duly signed and attested. But as a will is inoperative during the life of the testator, and as a religious cannot, even validly, acquire property except for his Order, and cannot therefore have personally any property at the hour of his death, it follows that such a will cannot be the medium of conveying possessions to persons outside the Order. It does not matter whether the possessions in question will *certainly* fall to the religious, as *e.g.*, a family inheritance; or whether he may be only providing for the *possibility* of having goods to dispose of at death. In either case, the will cannot avail to alienate these goods from the religious Order.

We regret we cannot inform our correspondent definitely what the English law on this subject is, or what is the practice of religious in England at their solemn profession. We believe, however, that, according to English law, a person who voluntarily joins a particular society, is bound by all the laws of that society. But whatever the English law on the subject may be, we believe a religious cannot bequeath to persons outside his Order possessions accruing to him after his solemn profession. For, supposing the English law to be opposed to the Canon law on this subject, how can it enable a religious to bequeath possessions to persons outside his Order? We can conceive two ways. First, we may conceive the civil power empowering a religious to acquire property personally, and therefore to bequeath it; or we may suppose it by its *dominium altum* transferring the property after the death of the religious to the person or persons mentioned in his will. But, manifestly, the civil power cannot enable a religious to acquire property. And with regard to the *dominium altum*, the State cannot arbitrarily transfer property in this manner; it can only transfer it when the public good requires it. And as the public good cannot require the state to transfer property in opposition to the Canons of the Church, we believe that such transfer, if enforced, would be invalid.

D. COGHLAN.

## Liturgical Notes

### THE CONFRATERNITY OF THE HOLY ROSARY—*continued.*

10. To gain the indulgences attached to the recital of the Rosary, members of the Confraternity, as well as those who are not members, must not only have in their possession beads properly blessed, but they must hold these beads in their hands, and, moreover, pass them through their fingers, bead by bead, as they recite the *Our Fathers* and *Hail Marys*.<sup>1</sup> When, however, a number of persons, whether members of the Confraternity or others, recite the Rosary in common, it is sufficient that the person who takes the chief part in the recitation of the prayers should have a blessed beads, and use them in the ordinary way, in order that all who take part in the prayers may gain the indulgences.<sup>2</sup>

11. Another condition the fulfilment of which is essential for gaining the indulgences of the Rosary as well for members of the Confraternity, as for all others, is meditation on the mysteries of the Life, Passion, Resurrection, &c., of our Lord during the recital of the vocal prayers. This condition is not fulfilled by merely mentioning at the beginning of each decade the mystery to be meditated upon, nor even by reading before each decade the short meditation given in our prayer books. Both these practices are good, but neither is required, and neither suffices. To gain the indulgences of the Rosary, it is absolutely necessary for those who can meditate to meditate, not on this or that subject, however pious or useful such meditation may be, but on one or other of "the mysteries of the Rosary." The reply of the Congregation of Indulgences to the following question establishes this beyond doubt :—

*Quær.* An qui SS. Rosarium B.M.V. recitant omitta consueta meditatione mysteriorum humanæ reparationis, et illorum vice mortem aut cetera novissima vel alia pia ac religiosa meditantur, Indulgencias à Summis Pontificibus concessas pro recitatione Rosarii lucrentur?

*Resp.* Non lucrari. Aug. 13, 1726.

<sup>1</sup> Beringer, *ii*. Partie, *iii*°. Sect. n. 11, 2, Melata *loc. cit.* p. 150, 2.

<sup>2</sup> *Decreta Auth.*, n. 384, Jan. 22, 1858.

Nevertheless, children, and all persons who are incapable of meditating, whether from ignorance, illness, or any other cause, can gain the indulgences without meditating on the mysteries, provided they say the vocal prayers with recollection and devotion.<sup>1</sup>

12. Having now given in detail all that is necessary for the erection and for the working of the Confraternity of the Rosary, we will submit to our readers, according to our promise, specimens of the forms which should be employed (1) in asking the bishop of the diocese to approve of the erection of this Confraternity ; and (2) in asking the General of the Dominicans for the necessary faculties for its erection. We need hardly say that any other forms containing substantially what these contain, will do quite as well.

(1) *Illustrissime et Reverendissime Domine.*

N.N. (nomen Oratoris) quo efficacius impellat fideles sibi commissos ad colendam B.M. Virginem de Rosario humiliter petit a Te (a) ut a Revmo. P. Generali Ordinis Praedicatorum erigi concedas Confraternitatem SS. Rosarii in Ecclesia S.N. (nomen Titularis seu Patroni) loci N. (nomen Paroeciae, seu oppidi, seu urbis)† ad altare (B.M.V. principale vel aliud) ; (b) Ut statuta approbes ; (c) Ut R.D. . . . (parochum rectorem Vicarium . . . ) constituas Confraternitatis Directorem cum facultate alium sibi sacerdotem ex rationabili causu sibi substituendi ad recipiendos fideles et alia Directoris munia exercenda ; (d) Ut litteris testimonialibus Revmo. P. Generali praedicto ejus Confraternitatis pietatem et Christianae charitatis officia, quae exercere cupit, pro erectione commendare digneris. Confraternitates in ecclesia jam erectae sunt . . . (hic ponuntur tituli hujusmodi Confraternitatum si quae sint.)

The bishop's reply to this petition will be substantially as follows :—

“Visis precibus Nobis oblatis concedimus erigi Confraternitatem SS. Rosari (seu, de qua in precibus) ejusque statuta approbamus, eamdem Nobis ac successoribus Nostris subjicientes ac subjectam declarantes secundum Constitutionem fel. rec. Clementis P.P. VIII. “Quaecunque” d. o. 7 Decembris 1604. Directorem autem ejusdem Confraternitatis nominamus R.D.N. . . . tribuendo ei facultates necessarias et opportunas, et praesertim, ut possit, si opus sit alium sibi sacerdotem substituere ad

<sup>1</sup> Benedict XIII., Const. *Pretiosus*, May 26, 1727.

recipiendos fideles, etc. Denique ipsius Confraternitatis instituendae pietatem ac christianae charitatis officia, quae exercere cupit, Revmo P. Generali Ordinis Praedicatorum pro benigna erectione enixe commendamus."

A copy of the bishop's reply should be transmitted to the General of the Dominicans, along with a request that he would deign to sanction the erection of the confraternity.

This request may be couched in something like the following terms:—

"(2) *Reverendissime Pater Generalis.*

"Quum infrascriptus orator N.N. rector ecclesiae parochialis (succursalis vel oratorii) S. N. . . . loci N. . . . in diocesi N. . . . Confraternitatem SS. Rosarii in praedicta ecclesia (vel praedicto Oratorio) constituere desideret, Illmo et Revmo. Domino, N. N. Episcopo, N. statuta ejusdem Confraternitatis jam proposuit atque ab eadem approbationem atque commendationem pro erectione obtinuit prout litterae huic adnexae testantur. Quare praedictus orator paternitatem Tuam humiliter rogat ut dictam Confraternitatem in hac ecclesia (vel in hoc Oratorio) S. N. . . . ad altare N. . . . erigere, et Directori a Revmo Episcopo designato ejusque successoribus facultates necessarias et opportunas benedicendi coronas communicare velis, concessa etiam venia, ut Confraternitatis pro tempore Director ex rationabili causa alium sibi sacerdotem substituere possit ad recipiendos fideles, benedicendas coronas et alia Directoris munia exercenda."

The Father-General's reply to this request is to be forwarded to the bishop. who, having examined it, gives final permission for the erection of the confraternity. The bishop's replies, as well as that of the Father-General, should be kept in the archives of the church in which the confraternity is established; or, if it should seem better, the originals may be placed in the diocesan archives, and copies in the archives of the church.

The indulgences which may be gained by members of the Confraternity of the Rosary are so numerous that we must hold over the list of them until next month.

D. O'LOAN.

## Document

LETTER FROM THE CARDINAL PREFECT OF THE CONGREGATION OF BISHOPS AND REGULARS ON THE USE OF THE BICYCLE BY THE CLERGY.

[THE Bishop of Szathmar in Hungary, having prohibited the use of the bicycle to the clergy of his diocese, applied to the "Sacred Congregation of Bishops and Regulars" for its judgment on his action. He received in reply the following letter.]

"PERILLUSTRIS AC REVME. DOMINE UTI FRATER,

"Haec S. Congregatio Episcoporum et Regularium maturo examini subiecit quae Amplitudo tua retulit circa sacerdotes utentes rota dicta *velocipede*. Itaque S. Eadem Congregatio zelum et prudentiam Amplitudinis Tuae collaudat atque commendat; nam prohibitio hujus non solum liberat a corporis periculis sacerdotes ipsos, sed scandalum avertit a fidelibus et irrisionem ipsorum sacerdotum. Interea Tibi adprecor a Domino fausta omnia atque prospera.

"Amplitudinis tuae, Romae, 28 Septembris, 1894, uti Frater.

"L. CARD. VERGA, *Praefectus*."

## Notices of Books

AN EXPOSITION OF THE ACTS OF THE APOSTLES, consisting of an Analysis of each Chapter, and of a Commentary Critical, Exegetical, Doctrinal, and Moral. By His Grace the Most Rev. Dr. MacEvilly, Archbishop of Tuam. Dublin: M. H. Gill & Son. New York, Cincinnati and Chicago: Benziger Brothers. 1894.

It is now over six years since it was our pleasing duty to call the attention of our readers to the *Exposition of the Gospel of St. John*, by His Grace the Archbishop of Tuam. On that occasion we ventured to express a hope, that His Grace would crown his learned labours on the New Testament, by doing for the Acts of the Apostles what he had already done so well for the Gospels and the Epistles, both Pauline and Catholic. This hope has been realized, and the handsome volume now before us

displays in their full maturity the same ripe scholarship, sound judgment, indefatigable industry, and profound piety which characterized the preceding volumes from the pen of the illustrious author. We beg to congratulate His Grace on the successful completion of a work which must have been begun almost half a century ago, and to which with unexampled constancy and zeal he has during that time devoted the moments which the pressing and important duties of his exalted office permitted him to call his own. For, notwithstanding that His Grace has now completed his learned commentaries on every book of the New Testament, with the sole exception of the Apocalypse, he never for a moment neglected the higher work for which he received episcopal consecration; on the contrary, among a hierarchy world-renowned for their devotion to duty, and for their zeal for the flocks committed to their pastoral care, he has ever been conspicuous. If, then, we wish to know how His Grace found time to acquire the information with which his commentaries are replete, and to communicate this information to the world in the choice and simple language, which is so characteristic a feature of them, we must bear in mind that in the Bible he found his recreation amidst his labours, and his consolation and strength in the anxieties and difficulties which strew a bishop's pathway. The Bible—for His Grace is as conversant with the Old Testament as with the New, as his commentaries amply show—was his constant companion, whether he was at home or away from home, whether making the visitation of his diocese, or enjoying a well-earned and much-needed holiday. Indeed His Grace would seem to have followed almost literally St. Jerome's advice to Eustochium: *Tenenti codicem somnus obrepat, et cadentem faciem pagina sancta recipiat*. We owe His Grace an apology for dwelling on these matters; but, on the principle, *Luceat lux vestra coram hominibus*, we desire to make the light of his industry and self-denial shine upon all who have taken "the Lord for their portion," in order that some, at least among, them may be thereby encouraged "to go and do likewise," according to the gifts which each one has received.

The Acts of the Apostles, being mainly a record of facts, of most of which the inspired writer was himself an eye-witness, and being, moreover, written in comparatively pure and idiomatic Greek, consequently presents fewer exegetical difficulties than, perhaps, any other book of either the New or Old Testament,



Chronological difficulties there are almost without number ; but, to quote the words of his Grace :—

“ The eminent critics who have applied themselves with such laudable industry to elucidate the several points connected with the chronological order and dates of events have managed to differ materially from one another.”

Hence we think the illustrious author has acted wisely in eschewing the modern and still unsettled theories, and adopting the system, which, though manifestly defective, has been consecrated by long use, and accepted by many writers of name. Indeed, we thoroughly agree with the author when he says that,

“ The adoption or rejection of any table of chronology does not materially affect the chief or rather the only object we have in view, which is to give a plain and accurate exposition of the Sacred Text for the benefit of such as may think proper to peruse it, leaving writers on chronology to adjust their systems and settle their differences as best they can.”

We hope, however—nay more, we are convinced—that at no very distant day a consistent and fully established system of chronology, embracing not only the Acts of the Apostles, but all the events of the first century of the Christian era will be forthcoming.

The high reputation for biblical knowledge, and critical acumen which his previous works have earned for His Grace happily renders it unnecessary, and even superfluous, to utter a single word in praise of this latest production of his fertile mind and facile pen. It is sufficient to say that the *Exposition of the Acts of the Apostles* is a worthy companion to the volumes which have preceded it, and that, like them, it is sure to prove a boon to earnest students of the Inspired Word. But, just to show that our appreciation of the present volume is warranted, we will print the following passage, which is a fair specimen of the author's style and method from the commentary on chap. xv. 11 :—

“ *But by the grace of the Lord Jesus Christ we believe to be saved in like manner as they also.*”—“ ‘ But ’ this adversative particle has reference to the negative contained in the foregoing interrogation, Do you expect salvation through the observance of the multiplied precepts forming the intolerable yoke of the Mosaic Law? No, it is not by the Law of Moses or circumcision we are to be saved : ‘ but by the grace of the Lord Jesus Christ, we ’ converted Jews, ‘ believe we shall be saved ’ in the same

manner as they too shall be saved, who never were subjected to the rites of the Mosaic Law.

“ ‘In the same manner,’ through the same uniform means, the grace and faith of Christ, we Jews and Gentiles shall be saved.

“ Some, among whom St. Augustine (lib. 2, *contra Pelagium*, c. xxi.), say the comparison instituted here is not between the converted Jews and Gentiles of the present day among themselves, but between the converts of the day and their fathers who went before them; so that ‘in like manner as they also’ refers to the ancient fathers who were saved only through the grace and merits of Christ, since it is undoubted that no one was ever saved, even of old, save through the retrospective merits of Christ, ‘the Lamb that was slain from the beginning of the world’ (Apoc. iii. 8). The salvation, however, of their Jewish ancestors, clearly referable to the merits of Christ, seems to have but little connexion with the subject now under consideration, viz., the conversion of the pagans to Christianity and their exemption from legal ceremonies having one uniform system of justification in common with the converted Jews. Whereas it will certainly be in point if we understand the Apostle to refer to one uniform system of justification for all, Jews and Gentiles, viz., the grace and faith of our Lord Jesus Christ, without regard to Jewish ceremonies.”

It must be evident to anyone acquainted with this passage that our illustrious author's interpretation of it is much more consistent with the context than that of the great Doctor which he combats. The book is admirably brought out; the full text of each chapter from the Rhemish version is printed before the commentary on that chapter, and along the margin each verse is again printed opposite the paragraph of the commentary which refers to it. The paper and type are all that could be desired, though there are not wanting evidences of carelessness on the part of the “reader.” For instance, on pp. 74-75, where reference is made to the ages of Abram at the time he was called by God, and of his father Thare at the time of Abram's birth, the numbers 70 and 75 have got mixed up, so that 75 appears twice where the context in the commentary and in Genesis (xi. 25) requires 70. Again on pp. 147-148 one or two paragraphs seem to have been repeated by the printer, and so corrected by the “reader” as only to make “confusion worse confounded.” Apart from these slight blemishes—and they are both slight and accidental—there is nothing to be found fault with, and everything deserving of praise in this *Exposition of the Acts of the Apostles*.

D.O'L.

THE FORMATION OF CHRISTENDOM. By T. W. Allies, K.C.S.G. Popular Edition. London: Burns & Oates, Limited. New York, Cincinnati, Chicago: Benziger Brothers. 1894.

In the heterogeneous mass of pabulum which is daily served up to satisfy the appetite of the reading public, how much there is of chaff and stubble, and how little of good grain. Some writers make a trade of literature, and study to produce the most marketable literary goods; others, inspired by nobler aims, give classical expression to thoughts which live for ages only to sustain and propagate error; and of those who write what is good, how few there are who bring to the task the power of conception and faculty of expression which command the attention of men! It is seldom, indeed, that one meets a book which is at once a master-piece of literature and an emblazoning of truth. The book we have now the privilege to review is such a priceless thing. It would be trifling with a great name to dwell on the character of T. W. Allies, for the stereotyped expressions "profound and varied learning," "terse and vigorous style," and such like, have their real meaning when used to describe his gifts. He belongs to the small class of man who "see into things through the shows of things," and who cannot but speak what they see, so luminous and beautiful does truth stand out before their gaze. In the history of English Catholic literature Allies will himself be ranked among the "sons of thought," and his name will be linked in the memory of the Church with those of Newman and Manning.

This book is one of a series which have for their object to show the influence of Christianity on the world. The six lectures which constitute the main body of the work, contrast the different conditions of the individual man before and after the coming of Christ. The first lecture, entitled the "Consummation of the Old World," sets before us "two pictures of the Roman empire: one of its greatness, the other of its littleness; one of its material unity, extent, and magnificence, the other of its moral poverty and desolation; both touched in as few strokes as possible from the writings of its own historians, poets, novelists, and philosophers." Those, however, are the strokes of a literary artist, and both pictures glow with life. Here is a detached portion of one of them:—

"And this Rome herself, the ruler, the presiding genius of the civilized world—she who, in the words of Strabo, 'had taught

humanity to man'—what was the life which she bestowed on her inhabitants? Judge it by the gift of the emperor to his people; of such gifts there were many in Rome. A vast square, of more than a thousand feet, comprehended within its various courts three great divisions. One contained libraries, picture, and sculpture galleries, music halls, and every need for the cultivation of the mind. A second, courts for gymnastics, riding, wrestling, and every bodily exercise. A third, the baths; but how little the word associated with modern poverty conveys a notion of the thing! There were tepid, vapour, and swimming baths, accompanied with perfumes and frictions, giving the body an elastic suppleness. Then as to their material: alabaster vied with marble; mosaic pavements with ceilings painted in fresco; walls were encrusted in ivory and a softened daylight; while on all sides a host of servants were engaged in the various offices of the bath. The afternoon *siesta* is over; a bell sounds; the *thermae* open. There all Rome assembles to chat, to criticize, to declaim. There is a coffee-house, theatre, exchange, palace, school, museum, parliament, and drawing-room in one. There is food for the mind, exercise and refreshment for the body. There, if anywhere, the eye can be satisfied with seeing and the ear with hearing, and every sense and every taste find but too ready a gratification."

Side by side with this luxury, there existed in Rome an appalling depth of social and moral degradation:—

"Here, then, in the midst of this Roman empire, so grand in its outward tranquillity . . . we find a despotism without limit in the internal relations of society, in the master over the slave, in the father over the wife and children, in the patron over the client; that is, in the rich over the poor, and in the prince over the subject; and with the despotism a moral corruption and disregard of human life, which are eating away the population and undermining the foundations of the State."

The author proceeds to depict the dark side of Roman life, and presents a picture to the reader which he will not soon forget. The second lecture describes the new creation of the individual, which was effected by the introduction of the ideas "God, creatureship, duty, judgments," ideas that had no place in the life and thought of Rome. The third lecture is mostly devoted to a comparison between Cicero, a type of the highest Roman culture, and Augustine as he was when renovated by the grace of Christ. The fourth lecture traces "the effects of the Christian people on the world." In the fifth lecture the author compares the state of woman in the civilized pagan nations with

her elevation under the Christian dispensation. The sixth lecture is on "the creation of the virginal life."

Though we can see from this summary of its contents, what interesting inquiries are opened up in this book, still it gives no real idea of the character of the work. It is in the highest sense a philosophy of history. The author takes the narrative of history to pieces, and traces through centuries the chain of cause and effect. He enables us to see the complex working of the "three great powers that move through the whole course of human events—namely, Divine Providence, the free will of man, and the ever-active power of evil." In the pages of this classic work, we see man in his weakness and in his strength—we may gaze into the pits through the darkness of which man saw only a passing star of some fragment of truth, and we can catch glimpses of the heights of moral purity and seraphic love where men converse with God. We append the following remarkable testimony of Cardinal Vaughan to the merits of this book:—

"It is one of the noblest historical works I have ever read. Now that its price has placed it within the reach of all, I earnestly pray that it may become widely known and appreciatively studied. We have nothing like it in the English language. It meets a need which becomes greater daily with the increase of mental culture and the spread of education. No English work that I know exhibits the mission of the Church to the world, to the pagan world, to the civilised world, and I might add to the modern world (which is both pagan and civilised in marked degrees), in a more eloquent, a more fascinating, or a more convincing manner. If any man desires to ennoble his own estimate of the Catholic Church, let him read this book. If any man's soul is capable of rising to a lofty ideal of life, as a living member of Catholic Christendom, let him understand the part that Christ has taken (and is still taking) in the formation of Christendom, as is shown from trustworthy sources by the pen of Mr. Allies. I used to urge even while none but the expensive first edition was accessible, that it ought to be made a text-book for every ecclesiastical student, whether destined for home or foreign missions, for a religious house or for the world. I rejoice, therefore, that at least the difficulty of price has now been removed. I am persuaded that nothing wiser could be done than to place this book in the hands of many educated men and women who are inquiring into the claims of the Church, and are searching for an answer to the problems which stand out before their consciences. They need not controversy, but the light of history to illumine their soul. They will find it here."

T. P. G.

INSTITUTIONES THEOLOGICAE IN USUM SCHOLARUM. Vol. II.

DE DEO UNO, DE DEO TRINO, DE DEO CREATORE.

Auctore G. Bernardo Tepe, S.J. Parisiis: Sumptibus  
P. Lethielleux; 10, Via dicta "Cassette," 10.

WE welcome the publication of the second volume of Father Tepe's theological course. When we noticed the opening volume of the series we expressed the hope that the succeeding volumes would attain the high standard that it led us to expect. We are glad to be able to state at once that the new volume is, if anything, superior to the former volume. It discusses that portion of theology which is contained in the tracts *De Deo Uno, Trino et Creatore*.

The work has many qualities to recommend it to the student of theology. Its clearness of style is, undoubtedly, its most striking feature. This cannot fail to make it popular among those for whom it was intended, viz., students who are reading the theological course for the first time. This clearness is evident, especially in the neat way in which Father Tepe expresses and replies to the different objections that are urged against the doctrines that he explains and proves. The explanations of doctrines are concise and accurate. A more logical order in the treatment of many questions is desirable. It happens at times that Father Tepe first proves a doctrine and then explains the meaning of the terms of the proposition that he has proved. We may quote, as an example, his chapter on the metaphysical essence of God. He first proves, from Scripture, that God's metaphysical essence is His aseity, and only in the next paragraph do we learn what is meant by metaphysical essence. We consider this, to say the least, illogical.

As to the doctrines that are taught in the volume, we need say little. It is not desirable that an author should be tied down to the common opinion of theologians in matters that the Church leaves free for discussion. However, we can scarcely approve of the preference given to the doctrine, that the days mentioned in Genesis do not describe the chronological order of the events of creation, but the logical sequence of God's creating acts. We think this teaching opposed to the plain meaning of the text and calculated to embarrass Catholic theologians in dealing with hostile scientists of modern times.

By the way, we think, too, that Father Tepe does not give his

readers a sufficient insight into the teachings of these modern scientific writers, whose errors on matters on which they are not competent to pronounce, exercise such an unfortunate influence on the thought and conduct of the people that live and move in the world as it exists to-day. The end of the study of dogmatic theology is to enable the student to encounter the difficulties against Catholic faith that he may meet in the world, as well as to impart sound doctrine to his people. Hence, any work on dogmatic theology that does not lay before its readers the great theological questions of the day must be considered incomplete. Now, the treatise *De Deo Creatore* is undoubtedly the one in which we should expect to find some of the most prevalent errors of our time exposed, discussed, and refuted. Such, for instance, is the doctrine of evolution and its consequent train of error. Yet, Father Tepe almost completely ignores a question of such magnitude and actuality. Hence, we say that his work is not sufficiently up to date.

The Reformers, too, get but a scant hearing from Father Tepe. The Protestants deduce very many doctrines from their teaching on the state of innocence and original sin; but Father Tepe does not take much trouble to explain their tenets in these questions. We hope for the usefulness of his work that he will do so in his treatise on Grace.

Notwithstanding these few faults, we can recommend this volume as a useful work on the many questions that it discusses. The author has evidently spared no pains in searching the Scriptures and the fathers of the Church, for we find immense stores of scriptural and patristic knowledge in his work. Father Tepe evidently considers it the great duty of a theologian to prove his doctrines from the sources of revelation. This, perhaps, is the reason why he does not give much space to modern scientific writers whose theories must be refuted in philosophy. Although we agree with Father Tepe in his appreciation of Sacred Scripture and the writings of the fathers, still we think it the duty of a theologian to examine the teachings of philosophy that are connected immediately with the doctrines of Catholic faith, for it is his duty to show that his faith has a reasonable foundation.

J. M. H.

IRISH NOININS (DAISIES). By Patrick Joseph M'Call (Cavellus). Dublin: Sealy, Bryers, & Walker. 1894.

IF any of our readers should at any time suffer from the strain of work, or feel their energies overtaxed, and should desire a genuine Irish restorative to brace and cheer them, we can heartily recommend them *Irish Noinins*, by Mr. Patrick J. M'Call. The attractive little volume shares its space in fair proportions between— 1, "Historical Poems and Ballads;" 2, "Translations from the Gaelic;" 3, "Humorous and Characteristic Sketches;" 4, "Miscellaneous Songs." To all the items in each department of this division we cannot give equal or unqualified praise. But, taking them all in all, they are as lively, as cheering, and as attractive, as they are varied and true to nature. We do not know whether any single one of them is destined to live and be remembered like the ballads and songs of an earlier date, but we are certain that here and there amongst them notes are struck, thoughts are awakened, pictures are recalled, memories are revived, habits are depicted, in a manner in which only one who is thoroughly acquainted with every phase of Irish peasant life, and who, at the same time, is endowed with a rich poetic vein of sentiment, humour, and fancy, could hope to imitate. Not since the days of Samuel Lover has anything so genuinely Irish appeared that at the same time has any literary worth. Not that Mr. M'Call has reached the power and excellence of the best of our humorous poets; he is still a good way from it. He is still too analytic, too graphic, too descriptive in his humour. Lover by a single touch conveyed a whole page of ideas, and left the reader to analyse it in convulsions. He held the mirror up to nature without effort and apparently without study.

Mr. M'Call, in his humorous sketches, has not yet reached the condensed power of expression and the synthetic, and, at the same time, picturesque form which are essential to his art, in our opinion, if he is finally to rank with the best writers of his kind. The touch of nature and the stroke of genius have not yet made alliance in his pages. Most of his verses run happily enough, but an odd one is spoiled here and there by an unsuitable word which destroys, to our ears at least, the cadence and rhythm and harmony of the stanza. His knowledge of the details of peasant life, of which he seems to have been a close observer, have led him into extremes, which a more skilful artist would have avoided. He himself revels too freely in the "quips and cranks and wanton



wiles" of native life to allow his readers their proportionate share in the mirth.

In spite of these drawbacks, however, we consider Mr. M'Call's little book the most original, the most genuine, and at the same time the most enjoyable book of verses that has come from an Irish pen for many years past. Tastes differ a good deal, no doubt, and poets of very different qualities have each and all their circle of readers. But, after all, where the popular judgment is sound and cultivated, it will not fail to distinguish between what is merely nice, pretty, happily turned, and what has the deeper and more effective notes of poetry. We venture to think that although Mr. M'Call's productions may not be found perfect in every sense, they will be far more popular and more widely appreciated than much more pretentious and loudly advertised effusions.

It will not detract we trust, from the interest of his work, that it has been printed and published in Dublin. Mr. M'Call is one of those who is opposed to making London the capital of Ireland. He has addressed himself to an Irish audience, and his work is all the more genuine on that account. Some of our most prominent Irish literary men have utterly failed to realise the expectations that were formed of them, because they have sought to cater for tastes to which their natural genius is opposed, the result being that they belong, as far as their literary efforts are concerned, to neither one country nor the other. Whoever makes a stand against this tendency deserves encouragement and support.

J. F. H.

#### JOURNALS OF RETREAT OF FATHER J. MORRIS, S.J.

Selected and Edited by Fr. J. H. Pollen, S.J. Quarterly Series. London: Burns & Oates.

SPIRITUAL writers strongly recommend the practice of noting down the good thoughts that particularly struck us during times of meditation, for the purpose both of fixing those thoughts in the mind, and of future reference. They insist especially on the importance of doing so in our retreats, since then the Holy Ghost is wont more intimately to speak to our hearts. It is the fruits of such a practice on the part of the late Fr. Morris, that we have in this volume of the quarterly series, and we doubt not it will be eagerly welcomed by his many friends. The first eighty pages contain his self-communings during his Jesuit novitiate, and chiefly those of the long retreat of that period.

The body of the book is taken up with the notes of the annual retreats he made since he became a Jesuit. At the end we have in one chapter the notes of various retreats between 1853 and 1880, and in another some very beautiful meditations on subjects taken from the New Testament. Of the latter the second last, which is on *The Coin of the Tribute*, contains the substance of the sermon Fr. Morris was preaching when he died; and the last, *An Anticipation of the Agony in the Garden*, was the one on which he was writing when he died; of which, indeed, he had written some paragraphs on the morning of his death. As there are in the notes very numerous references to the *Spiritual Exercises*, Fr. Pollen has given us such an abridgment of them in an appendix, as would enable one unacquainted with St. Ignatius's book to understand Fr. Morris's references.

The meditations at the end of the book were intended by Fr. Morris as a help to realise to himself the subjects of his sermons, and were thus intended, to some extent, for the public. The rest of the notes, however, were, in the first instance, intended only for his own benefit. But publishing them, though in the form of notes on the *Spiritual Exercises*, Fr. Pollen knew that in giving them to the public in their present form he was not acting against the author's wishes. There was in them but little of too private a character to be published, and thus there was but little need for selection and elimination. Being unrevised, the notes are sometimes abrupt, and wanting in smoothness and clearness of style, but that is only a proof of Fr. Pollen's having given them to us just as they were originally written, and no one would wish it otherwise. It is no little benefit he has done us in giving us the opportunity of reading the honest thoughts about spiritual matters of an ordinarily good priest, just as they rose spontaneously from his heart in the presence and under the influence of the Holy Ghost. P. M.

TRACTATUS DE OFFICIO DIVINO SEU DE HORIS CANONICIS  
AD-USUM ALUMNORUM SEMINARIi MECHLINIENSIS.  
Mechlinae: H. Dessain.

THIS is a scientific treatise on the Divine Office, and though specially compiled for the use of students, contains much to interest even those who, from long experience, are quite familiar with the breviary. Many priests, if deprived of their *Ordo*, would be at a loss to know what office to recite, and should one happen to remember the saint whose office is attached to a particular day, he might still have a doubt about the vespers if the *Ordo*

were not at hand. The study of this treatise will make a priest almost independent of a directory, and will also supply him with easy rules for solving doubts about certain points on which a directory is often silent. Again, how few of us there are, who, if asked about the origin and constitution of the breviary—if asked what are antiphons, absolutions, versicles, chapters, responsoria—if asked what is their peculiar significance, and how they came to have their present form—how few of us there are who could give full and satisfactory answers? And it will be conceded that answers to such questions might be reasonably expected from the public minister of the Church, who is daily bound to recite this beautiful and complex prayer called the “Divine Office.” It will also be readily admitted that information of this kind is of a most interesting and instructive character, and must be a practical aid to that serious and devout recital of the office which the Church enjoins. The above work deals with all such questions about the canonical hours, and contains very full information, with no unnecessary details. It is, at once, an ideal text-book for students, and a handy book of reference for those who wish to inquire into the origin, constitution, ordering and obligation of the Divine Office.

T. P. G.

CAEREMONIAE MISSARUM SOLEMNIUM ET PONTIFICALIUM  
ALIAEQUE FUNCTIONES ECCLESIASTICAE ILLUSTRATAE  
OPERA GEORGII SCHOBER CONGREGATIONIS SS.  
REDEMPTORIS SACERDOTIS. Pustet, 1894.

THIS is an elaborate treatise on the ceremonies of the different kinds of Solemn Mass—Solemn Mass, with an assistant priest; Solemn Mass, “Coram SS. Sacramento Exposito;” Solemn Requiem Mass, and Solemn Mass, in which a bishop is celebrant; also on the ceremonies of “Missa Cantata,” the Asperges, Exposition, and Reposition of the Most Holy Sacrament, and Solemn Vespers. In an introductory chapter, the author discusses the obligation of the rubrics, which are to be followed by the sacred ministers in a Solemn Mass. It would seem that Quarti is the only notable rubricist who holds that those rubrics are merely directive. To this singular opinion of Quarti, Father Schober replies in the most complete fashion, and concludes, we think justly: “Ex dictis argumentis deduci potest, Rubricas, quae Ministris Sacris in Missali et Caeremoniali Episcoporum pro Missa Solemni praescribuntur esse praeceptivas nec directivas, et obligare juxta gravitatem materiae; nam infra Missam juxta

communem Doctorum sententiam nullas esse Rubricas directivas ; ergo sentiam oppositam non esse tenendam."

Order, completeness, clearness, and accuracy characterize every one of the fifteen articles into which the work is divided.'

T. P. G.

#### BOOKS AND PAMPHLETS RECEIVED.

*Theologia Moralis per Modum Conferentiarum*, auctore Clarissimo, P. B. Elbel, O.S.F., Novis Curis Edidit P. F. Iren. Bierbaum, O.S.F., Paderborn Typographia Bonifaciana. *Summa Syntactica cum Thematis ad Exerendum*, auctore Mario Laplana, Societatis Jesu Sacerdote ; Freiburg, Herder. *The Brehon Laws*, by Lawrence Ginnell ; London : Fisher Unwin. *Code de Procédure Canonique Dans les Causes Matrimoniales*, par M. l'Abbé G. Périès, Professeur de Droit Canonique à l'Université Catholique de Washington ; Paris : Lethielleux, 10, Rue Cassette. *The Catholic Girl in the World*, by White Avis, with a Preface by the Rev. R. F. Clarke, S.J. ; London : Burns & Oates. *Vie de la Révérende Mère Marie de Sainte Euphrasie Pelletier, Fondatrice et Première Supérieure Générale de la Congregation de Notre Dame de la Charité du Bon Pasteur d'Angers* (2 vols.), par M. l'Abbé H. Pasquier ; Paris : Lethielleux. *History of St. Philomena*, edited by Charles H. Bowden, of the Oratory ; London : Art & Book Co., 22, Paternoster-row. *Apparitions and Miracles of Knock*, prepared and edited by John M'Philpin (Tuam) ; Dublin : M. H. Gill & Son. *Le Conclave Origine-Histoire, Organisation Legislative Ancienne et Moderne*, par Louis Lector, Paris : Lethielleux. *Jeb, The War Mule, and other Stories*, by Ella Loraine Dorsey, Ave Maria Publishers, Notre Dame, Indiana. *Vie de La Vénérable Mère Marie Poussépin et les Origines de la Presentation*, par le Dr. B. Th. Pouan ; Paris : Lethielleux. *The Inner Life of Father Thomas Burke, O.P.*, by a Dominican Friar of the English Province ; London : Burns & Oates. *Our Lady of Good Counsel*, by Georgina Gough ; London : Art & Book Co. *Science Catholique et Savants Catholiques*, par Le Rev. Père Zohm, de l'Université de Notre Dame, Indiana, Traduit de l'Anglais, par M. l'Abbé J. Flageolet, du Diocèse d'Autun ; Paris : Lethielleux. *L'Homme*, par St. George Mivart, Traduit de l'Anglais, par M. J. Segond ; Paris : Lethielleux. *Ketteler et l'Organisation Sociale en Allemagne*, par A. Kannengieser ; Lethielleux. *Lourdes et Betharram*, par M. l'Abbé Mozoyer du Clergé de Paris, Lethielleux. *Les Dominicains et La Découverte de l'Amérique*, par P. F. Mandonnet, O.P., Professeur à l'Université Catholique de Fribourg, Suisse. *Tom Playfair, Claude Lightfoot, Percy Wynn, Harry Dee*, by Francis J. Finn, S.J. ; Dublin : M. H. Gill & Son. (All these stories have already been favourably noticed in our pages). *The Sacred Heart, and other Sermons*, by the Rev. Alfred Fawkes : Burns & Oates. *The Lamp of the Sanctuary*, by Cardinal Wiseman ; London : Art & Book Co. *The Curé of Ars*, by Kathleen O'Meara ; Indiana : Ave Maria Press. *Orchids, A Novel*, by Lillia Hardin Bugg ; St. Louis : Herder. *Illustrated Bible History of the Old and New Testaments*, for the use of Catholic Schools, by Dr. J. Schuster ; Freiburg and St. Louis : Herder. *Letters to Persons in Religion, and Letters to Persons in the World*, by St. Francis de Sales (2 vols.), translated by Very Rev. Canon Mackey, O.S.B. ; London : Burns & Oates. *Catholic Literature for Catholic Homes*, by Rev. L. J. O'Neill, O.P., editor of *The Rosary* ; New York : P. O'Shea, 12, Barclay-street.

# THE IRISH ECCLESIASTICAL RECORD

FEBRUARY, 1895

## LATIN CHURCH MISSIONS TO THE EAST

**B**Y such readers of the I. E. RECORD as have followed with interest the details of the late Commission appointed by His Holiness to inquire into the feasibility of bringing about the return to Catholic unity of the schismatical churches of the East, and at the same time to smooth away the difficulties that have been hitherto regarded as impeding that union, the results of the Commission will have been anxiously awaited. In order, however, to form a just appreciation of the aim and object of the Commission, perhaps it will be best to begin at the beginning. Hence the present essay will be a short account of the various attempts that have been made, century after century, by the occupants of the See of Peter to bring about a union between East and West.

After the translation of the Imperial Court in the fourth century, from the banks of the Tiber to the shores of the Bosphorus, it can be truly said by the historian that rivalry and jealousy of the power of Rome underlay every negotiation between the East and the West. The influence of the Roman See was envied by the Patriarchs of Constantinople. The end was near at hand when Photius raised the banner of revolt in the ninth century; it was reached in the eleventh century when formal separation was declared by the Patriarch Michael Cerularius.

Long before that period, however, the Patriarchate of Constantinople had the misfortune to see other "Churches"

or Rites in the East break away from it. The Church in Armenia, as far back as the fifth century, had been rent by Eutychianism; the Chaldean Church had drifted into Nestorianism. The old Coptic Church of Egypt had likewise cut itself away from obedience to Constantinople when it found that its liturgy had been driven out of the See of Alexandria, and that of Constantinople introduced. So too with the Syrian Church established by St. James. When therefore the Patriarchate of Constantinople fell away, the occupants of the See of Peter saw before them a field for missionary labour as extensive as that which Gregory the Great saw before him in the sixth century.

It cannot be said that the Crusades, blessed though they were by the Catholic hierarchy of Europe, were in any sense missionary undertakings. In fact, not before the opening years of the thirteenth century can there be traced any real attempts of the Latin Church in the way of missionary work in the new field which the fall of the entire Eastern Church had opened out to her. Practically speaking, two centuries had rolled by and the sole object of interest occupying the mind of Europe was the driving out of the Holy Land of the infidel who ruled there. Missionary zeal was at a low ebb. The fervour of the older Orders had almost died out. A Columbanus, a Boniface, were of days gone by. Noble as may have been the motives that induced Europe, with the Roman See at its head, to undertake the task of planting the Cross of Christ in the land watered by the God-man's blood, the sword was not the arm that should succeed. Nay, the history of the so-called Latin kingdom of Jerusalem (1099-1187) detracts from rather than adds to the glory of the Crusades.

The Church had another weapon more truly suited to her than the sword. The rise of the "Mendicant Orders" at the beginning of the thirteenth century, the unbounded zeal of the "New" Crusaders promised to revolutionize not only Europe but the entire world, especially in the matter of missionary enterprise. In fact, nothing could be so glorious for the Latin—or rather the Catholic Church, to give the Latin Patriarchate its just title, seeing that the

entire Eastern Church in cutting itself away from unity with Rome became, of a natural consequence, divided into purely local or national bodies—as when, ere the close of the fifteenth century, her liturgy was carried into lands hitherto unknown to both East and West; and the twin orders which had arisen to spread the faith of Christ, succeeded in planting Christianity in every quarter of the known globe. And such was the zeal of the new apostles, that before the tide of the “Reformation” had set in, the children of St. Francis of Assisi had established a Catholic hierarchy in the Chinese Empire;<sup>1</sup> and they with the children of St. Dominic had planted Latin Christianity from end to end of the New World.

Such were the arms which the Church of the West had at her disposal when entering, at the beginning of the thirteenth century, upon the task of winning back to unity the schismatical sister Church of the East. A remarkable feature, too, in this new Crusade which the See of Rome had now undertaken, is its striking coincidence with the complete failure of the conquest of the East by the sword. Indeed the final occupation of the Holy City by the Crusaders almost fully coincides with the first attempts of Latin missions in the East.<sup>2</sup>

To St. Francis is due the honour of<sup>3</sup> initiating the missionary labours of the Latin Church in the East. Certain it is that previous to his opening the path towards

<sup>1</sup> In the year 1309 Fra Giov. da Monte Corvino was created Archbishop of Pekin with seven suffragan sees. The names of seven of his successors in that see are given by Wadding, *Annales Min.* ad ann. 1456, tom. x. The hierarchy in China was destroyed in the beginning of the sixteenth century. Confer Huc: *La Chine.*, tom. i.

<sup>2</sup> Jerusalem was finally lost to the Crusaders in the year 1244: and it was about that time, the first formal mission of the Latin Church to the Greek Church appears to have been undertaken. Confer Wadding, ad ann. 1232.

<sup>3</sup> On account of the apparently legendary character of many of the facts related about the mission of St. Francis in Egypt and Palestine, some modern writers have not hesitated to deny his ever having gone there. But the fact of his having gone there is testified to by eye-witnesses and contemporaries like Cardinal Jacques de Vitry. Confer his *Epistola ad amicos et religiosos Lotharingæ*. St. Antoninus also in his history, tit. xix., cap. iii.; Wadding, *Annales*, ad ann. 1219.

the bringing back of the Eastern Churches to unity with the See of Peter, along which same path his immediate disciples and their successors for at least a couple of centuries most hopefully trod, no formal attempt had been made by the Roman See from the days of the Patriarch Cerularius (1043) down to his own day.

The mission of the saint to the East proved a failure as far as he himself was concerned; but he did not by any means give up the idea of planting missions there. On his return to Italy, which happened about the year 1219, he charged Fra Benedetto da Arezzo<sup>1</sup> with the task of proceeding to the East, appointing him superior of all the "brethren in those countries." The mission of Fra Benedetto produced but little fruit. However from the relation given by him a formal step was induced to be taken by Gregory IX. in order to bring about a reunion with the Patriarchate of Constantinople. Whilst that city was in the hands of the Crusaders (1204-1261) the Greek Court together with the Patriarch removed to the city of Nicea or Nice in Bithynia, and it was thither that Gregory sent five of the "brethren"<sup>2</sup> with letters to the Emperor and Patriarch. Wadding, Rohrbacher,<sup>3</sup> and Matthew Paris,<sup>4</sup> give accounts of the negotiations that took place. Several missions of this kind appear to have been undertaken and heartily encouraged by Gregory, the ambassadors of the West being in all cases chosen from the two Orders. It would be impossible here to enter upon a detailed discussion of the points that were raised between the representatives of the West and the theologians of the East.

A fact that should not be overlooked, as it is worthy of remark, is that all these representatives of the West were

<sup>1</sup> This Fra Benedetto da Arezzo appears to have been appointed Provincial of all the Franciscans whom St. Francis had either brought with himself or sent to the East.

<sup>2</sup> Thus Wadding describes their mission: "Pervenerunt Nicæam ubi hospitaliter recepti a Germano Patriarcha, occasione arrepta, egerunt cum eo efficaciter de unione cum Ecclesia Latina." (*Annales*, ad ann. 1232.)

<sup>3</sup> *Histoire Universelle*, tom. xviii., lib. 77.

<sup>4</sup> *Confer his History*, ad an. 1235.



men well versed in Greek.<sup>1</sup> Nor was it with the Patriarchate of Constantinople alone that the missionary labours of the new Crusaders were occupied. Ere the close of the thirteenth century Latin missions had been established everywhere in Syria and Palestine. Before the year 1250 Franciscan missionaries had crossed and recrossed all Asia Minor. They had penetrated even into the heart of the then unknown kingdom of Tartary. It is, indeed, to the wonderful tales carried to Europe by these early missionaries that is to be attributed the voyage of Marco Polo, who<sup>1</sup> though commonly credited with the honour of being the first to penetrate into the heart of the Mogul empire, merely followed in the footsteps of Fra Giacomo Bussano, Fra Giovanni di Píán Carpino, Fra Lorenzo da Portogallo, and a host of others whom Innocent IV. (1243-1254) employed as his legates in the negotiations the Holy See carried on during these years with the "Great Khan" of the Tartars.

Missions were established among the Armenians about the year 1247; and, it appears, with extraordinary success; for, in the beginning of the fourteenth century, thousands, including some of the highest rank, had abjured every principle of Eutychianism, and had become reconciled with the Latin Church. Indeed so great was the progress which was being made through the labours of the Latin missionaries among the Armenians, that their king, Hayto II.,<sup>2</sup> died a member of the Franciscan Order, and was buried in the convent of that Order in Adana, the capital of Cilicia, whither the nobles of Armenia were obliged to flee upon the inroads of the Tartars. In fact, ere the middle of the fourteenth century all Armenia

<sup>1</sup> Confer Rohrbacher, *Hist. Univ.*, ut *supra*; also Marcellino da Civezza, *Mission Franciscane*, vol. i., p. 213. Rome, 1857.

<sup>2</sup> Hayto II. resigned the throne of Armenia about the year 1294, and took the habit of the Franciscans. He died 1310 or thereabouts in defending the Christians against the hordes of Tartary. St. Antoninus in his *History*, tit. xxiv., cap. iii., writes of him thus: "Joannes, rex Armenorum, dimisso regno nepoti suo Leoni ex magna devotione Ordinem Fratrum Minorum intravit." Hayto published a new translation of the entire Bible into Armenian, and his version is still held in high esteem.

had, through the missionary labours in the West, returned to unity. The destruction, however, of Armenian independence, about the year 1370, and the taking prisoner of Leo IV., their last king, by the Tartars, who, however, restored him to liberty, though not to power—for he died an exile at Paris in the year 1393—destroyed entirely the good work so happily begun and prosecuted for more than a century.

The Franciscans were, in consequence of these events, everywhere either driven out or massacred by the conquerors; and what remained of Armenia being cut away again from communication with the West, drifted back into the old errors. The work of reconciling the Armenian Church with the Latin Church was again taken up in the opening years of the fifteenth century, and the task is again taken in hands by the Franciscans and Dominicans. The little that came of this attempt will be related hereafter.

Another "church" which occupied the zeal of the Latin Church during the greater part of the thirteenth century, is the Coptic, with its affiliated branch, the Church of Abyssinia. It is impossible to state precisely the time when the Latin Church first sent her missionaries there, in order to win back to unity the Christians of these Churches. It probably occurred in the first half of the thirteenth century; for, before the close of that century, there are documents that prove that a *rapprochement* had already set in. Wadding, in his annals, gives a brief of Nicholas IV. (1288) sent by that Pontiff to John of Monte Corvino, and addressed by the Pope to the Patriarch of the Coptic Church in Abyssinia. The names of several of the more prominent among the missionaries engaged in the work there are given by Wadding. Yet, it must be confessed that notwithstanding all the zeal of those early missionaries as well as that of the children of St. Ignatius Loyola, who followed in the footsteps of the former, penetrating Abyssinia, and giving new life to the decaying missions—all was of no avail; and about the close of the sixteenth century the missions were abandoned. During the present century, his Eminence, the late Cardinal Massaia, a worthy

successor of the first zealous children of St. Francis, distinguished himself by his labours in that same field: unfortunately, so far, his work has not been continued.

Turning back to the negotiations which had commenced some time previous to the year 1235, and which had for their aim the bringing about of a union of the Patriarchate of Constantinople, and, therefore, of the entire Greek Church, which looked to Constantinople as the head, with the Western Church, it is quite clear, great progress had been made; and much hope was aroused in the minds of the Western theologians by the coming of the bishops of the Greek Church to the Council of Lyons, in 1274, as well as to that of Florence two centuries later. Little, unfortunately, came out of the negotiations carried on at Lyons, beyond the signing of the usual articles of faith, the decrees published by the Council being instantly rejected by the clergy and people of the East on the return of their bishops from the West. Thus the negotiations carried on at Lyons came to nought, and the work of reconciliation had to begin anew. That matters did not hasten towards this end sooner than the time of the convoking of the Council of Florence (1439), is to be attributed to the disastrous state in which the Papacy lay for almost a century.

It does not enter into the scope of the writer to give a detailed account of the negotiations carried on at Florence, in order to settle the disputed points between East and West, nor even to show how far the hearkening of the Eastern prelates to the call of the Pope to assemble in Florence was due to the untiring zeal of the missionaries in the East. What is of more consequence is, that at the Council all matters of dispute were fully settled, so that even to-day the disputes that formerly set both Churches ajar—that of leavened bread against azym, that of purgatory, of the use of the phrase *Filioque*—are no longer the grounds of dispute, or the causes of disunion.

The active part taken in the negotiations of this period

by Joannes a Ragusio, O.P., Blessed Albert a Sarthiano, O.S.F.,<sup>1</sup> and Fra. Bartolomeo da Giano, another Minorite, cannot be easily overlooked, seeing that it was due in a great measure to the missionary labours of the two latter, that the Greek prelates had been induced to hearken to the summons of the Council: Fra Bartolomeo having lived many years in the East, won the esteem of the patriarch as well as that of the Emperor, whom he accompanied to the Council from Constantinople. The Deed of Union was signed by the heads of both Churches, July 5th, 1439. Immediately afterwards special embassies were sent from Rome to the heads of the other Eastern Churches—to the Armenian Catholics, to the Maronite, the Syrian, the Coptic, and Abyssinian Patriarchs, requesting their adhesion to the articles drawn up by the Council respecting dogma and patriarchal rights. Father Harold, in the work quoted, gives the names of those charged by the Council to undertake such delicate tasks; and, as was natural, they were nearly all “Minorites” who had laboured for many years in the East.

The feeling aroused in Constantinople upon the promulgation of the Decree of Union is, alas! too well known to the historian to be told here. To the honour, however, of the representatives of the Greek Church be it said, that nearly all of them remained faithful to the Union; and many of them paid the penalty of their fidelity by exile and deposition from their sees.

The fall of Constantinople into the hands of the Turks in 1453, destroying thus the Byzantine Empire, completely shattered the influence of the Greek Church. From that moment the Greek Church ceased to have influence in the councils of the West; and to-day, the Patriarchate of Constantinople, which had for centuries laboured to rival Rome, is but a name, its glory having departed for ever, and

<sup>1</sup> Confer Fr. Harold's *Vita Beati Alberti*, where a very detailed account is given of the negotiations carried on at the Council; also Tosti's *Storia dello Scisma Greco*. The fact is, that the questions there in dispute concerning purgatory, the use of the word *Filioque*, azym, &c., were so thoroughly settled, that they no longer are in dispute. The supremacy of Rome *juro divino* is now the sole question at issue.

its authority rejected<sup>1</sup> by four-fifths of that very Church which it raised up as a rival to the West.

The decrees of the Council were, however, heartily received by the Armenian, Maronite, Coptic, and Chaldean prelates, as well as by several of the heads of various branches of the Jacobite or Syrian Church. The incursions of the Ottomans or Turks, in 1583, ruined, in a great degree, the good effect which time would bring out of the *rapprochement* in Armenia where the war raged fiercely. There principally the Latin missionaries were either exiled or massacred, and thus the missions were entirely broken up. The Maronites have ever remained faithful to Rome, and the acceptance of the decrees of Florence was a matter of course. As to the other Eastern Churches, the effect was but transitory. The Jesuits undertook the missionary charge of Abyssinia early in the sixteenth century; and though the work was begun with all that zeal which the older Orders had shown two centuries previous, the mission had to be abandoned a little more than a century later. During the seventeenth and eighteenth centuries the history of the Latin missions in the East is of little interest. Little or no progress was made, owing to the unsettled state of Europe, as well, perhaps, as to the decay and partial destruction of the Religious Orders. The Franciscans held on to many of their own missions in Syria and Palestine, where their chief task has ever been the watching of the holy places; and also in Egypt. Many places which the Jesuits held, had to be abandoned consequent on their suppression in 1773.

The present century, at its opening, seemed to hold forth a prospect of untold success. The pride of the Moslem had been crushed. The victories over the French armies, led by Napoleon in his march through Egypt and Syria, marked rather the downfall of the Ottoman Empire, as they had been gained by the aid of a Christian Power. The ascending of Mehemet Ali to the throne of Egypt, and the conquest

<sup>1</sup>The Greek Church in Russia cut off all connection with the Patriarchate of Constantinople in the year 1588, when the Czar Ivanovicz raised the see of Moscow to a level with that of Constantinople.

of Syria, by his son, Ibrahim Pascha, in 1832, put an end to the tyranny of the old Moslem world. Everything seemed full of hope. Under the rule of Ibrahim justice was dealt out to all, to Christian and Moslem alike. The Franciscans were enabled to re-open many of their old missions in Syria and Palestine. The Jesuits resumed their work in a few places in Syria; and, within the past twenty years, have been able to establish first-class colleges in Cairo, and Alexandria, in Egypt; in Adana and Tarsus, in Lower Armenia; also at Beyrout. The Lazarists, too, have a few places in Syria, having "Houses" at Beyrout, Damascus, and a small place near Antioch, called Ekbas. They have also missions in Constantinople, Smyrna, and a few other places in the Levant. The Latin Missions in Mesopotamia are under the charge of the Dominicans, who have convents and stations at Mossul, Bagdad, Diarbekir, and a couple of other towns. Even still the Franciscans have by far the largest share of the missionary work of the East, the Capuchins having all Upper Armenia, as well as Lower Armenia, under them, with convents and missions in Trebizona, Kars, Erzeroum, Diarbekir, Orfa, Kharpoot, and Adana. Besides Egypt and Syria, the Franciscans have "Missions" under the Prefecture of Constantinople, with convents in that city, in Smyrna, Rhodes, &c.; and in Lower Armenia, they have convents in Marasch, Aintab, together with several "Hospices," or small missionary stations.

In Syria or Egypt, however, nearly every town or city where there are any Catholics to be found, there is a mission under their charge. All the Latin missions are divided into four "Vicariates Apostolic:" that of Constantinople, which embraces a great part of Western Asia Minor; that of Mossul, embracing all Armenia and Mesopotamia, down to the Persian Gulf; that of Beyrout, which has all Syria under it; and, finally, that of Alexandria, in Egypt. The Patriarchal See<sup>1</sup> of Jerusalem embraces the entire Holy Land.

<sup>1</sup> The present Latin Patriarchate was restored by Pius IX. in 1847. Previous to that year the title was merely honorary. The first Latin Patriarchate was established in Jerusalem upon the taking of the Holy City by Godfrey Bouillon. Previous to that time the sole Patriarchate was that which was connected with the Greek Church.

As in the past, so in the present century, the sole missionary work carried on in the East is in the hands of the West. The Catholic or united sections of the various branches of the Eastern Churches have made no serious effort to win over their schismatical brethren to unity. Nay, it is painful to add, that in many cases difficulties have been unnecessarily thrown in the way of the progress of Catholicity by the jealousy of the clergy of the Eastern Churches in union with Rome. Indeed, jealousy of the "Western" or Latin Church has ever been at the root of all the failures that have hitherto in the course of centuries been the sad result of the untiring, unselfish, nay, in numberless cases, heroic efforts of those who went forth to recall back to the one true fold the erring children of the Eastern Churches. Undoubtedly, difficulties have, in many instances, arisen between the Catholic or united branches of the different Eastern Churches and the Latin missionaries. Questions of jurisdiction have been continually cropping up of late years, viz. : to whom should converts belong—to the rite of the missionaries, to whom they owed their conversion, or to the Catholic section of the Rite or Church they left?

Beyond all doubt, the crux of the whole situation lies in these two sources of contention. The system hitherto pursued has proved so fruitless that it would have ultimately to be given up by the Latin missionaries. Viewing the matter thus, the earnest efforts of the Pope to settle the matters in dispute between the Latin missionaries and the Catholic prelates of the East, must be hailed with satisfaction by all. The recent Constitution issued by His Holiness is marked by the greatest wisdom, and by a thorough knowledge of the difficulties of the question. The privileges which it takes from the Latins, instead of being to them a loss, may prove a gain by diminishing the jealousy and opposition of the Oriental prelates who saw in their labours not so much a disinterested effort to convert the non-united Easterns to the Catholic Church, as an organized attempt to Latinize the entire East. The "Constitution" must also have an excellent effect on the non-Catholic or non-united sections in

the East. The head of the Latin Church has declared that there is no intention on the part of the Western Church to Latinize the East. The Pope calls upon the Eastern Catholics to undertake the task of the conversion of their schismatical brethren. It is most probable, indeed, that many of the Latin missionaries in the East will feel that the field wherein they have laboured for centuries is being narrowed; that others are called in to labour who have hitherto shown little or no zeal in the work of conversion; but no one can deny that the throwing upon the Easterns themselves the task of winning over their own separated brethren must be productive of incalculable good in the long run. It does away with the plea against union so often urged by the East, viz. : that it was not re-union which the West wanted, but the Latinizing of the East. That has been the bugbear nurtured for centuries by the jealousy of the East against the West. Certainly, at no moment, since the days of the so-called Reformation, was the prospect of a re-union of all Christendom under the guidance of the one pastor whom Christ appointed to feed His sheep, so hopeful as at the present one. Indeed it seems as if all Europe were gathering to the call of Leo XIII. Even Russia has at last entered upon a road of reconciliation with persecuted Catholicity. When it may please Providence to bless the labours of those who have for centuries striven to win back to unity those ancient Churches, when it may please that Providence to raise them up to their pristine glory, none can tell. The blood of the martyrs, who died in the task of winning back the East, is the seed which the Lord, in His own good season, will have ripen and bring forth in those same lands the glorious fruits that they produced in the first centuries of Christianity.

J. L. LYNCH, O.S.F.



## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### II.—CHARITABLE BEQUESTS: THEIR LEGAL POSITION

IN pointing out, in my Introductory Paper, the importance of obtaining a general idea of the line drawn by the law between "charitable" and "non-charitable" bequests, I called attention to the fact that, whilst, in some respects, bequests that are legally charitable are treated by the law with special and signal favour, such bequests are, on the other hand, in certain exceptional circumstances, placed under a serious disability. I also mentioned that this difference of treatment as between charitable and non-charitable bequests, is such as frequently to lead to a most substantial difference in the result. In some cases, a bequest, which otherwise would be invalid, will be upheld by the Courts if its purpose is a charitable one. In other cases, on the contrary, a bequest for a charitable purpose has to be set aside by the Courts as invalid, whilst the bequest would be perfectly valid if it were made for a non-charitable, instead of for a charitable, purpose.

It will be interesting, as well as useful, to illustrate both these points in detail.

First, as to the special favour accorded by the law of these countries to charitable bequests.

Probably the most notable illustration of this special favour is, that such bequests are allowed to stand as an exception to a well-known rule of law, otherwise of almost universal application—"the rule against perpetuities."

This rule applies both to "real" and to "personal" property; in other words, to everything that can be owned.<sup>1</sup>

<sup>1</sup> For the reason thus indicated, it is unnecessary here to explain in detail the distinction between "real" and "personal" property. Later on, the distinction will have to be fully explained.

Its legal name, the "rule against perpetuities," does not at all adequately describe its operation. For, this rule of law does not prevent merely the tying up of property in perpetuity—the tying up of it, for instance, so that it shall remain in a certain line or family inalienably. The operation of the "rule against perpetuities" is far more stringent than this. With the view of checking everything that might even savour of perpetuity, it prevents the tying up of property beyond a certain fixed limit of time. When the limitation is created by deed, the point from which the time allowed by the legal rule begins to run, is the date of the deed. When the limitation is created by will, the time allowed by the rule begins with the death of the testator.<sup>1</sup>

The limit of time may be fixed in any of three ways. Property may be tied up for an absolute period of twenty-one years. Or it may be tied up for a period of twenty-one years after the death of some person in being at the date of the limitation. Or, thirdly, it may be tied up for a period of twenty-one years after the death of the last survivor of a number of persons in being at the date of the limitation. For a period fixed in any of those three ways, the owner of any kind of property may tie the hands of the person or persons to whom he transfers it by Will or otherwise. But any attempt made by him to interfere with the disposal of the property,—whether it be "real" or "personal,"—beyond a period so fixed will not only fail in its effect, but will render the gift itself void *ab initio*.

To this rule, "grown reverend from age, and not to be broken in upon,"<sup>2</sup> bequests, or other assignments, of property for charitable purposes stand as a signal exception.

The effect of the important exception thus created may be illustrated by an example which at the same time will illustrate the narrowness of the line that separates

<sup>1</sup> See the exhaustive note on *Cadell v. Palmer*, in Tudor's *Leading Cases on Real Property* (3rd Edition), pages 462-496

<sup>2</sup> Lord Kenyon, in giving judgment, as Master of Rolls, in *Jee v. Audley* (1 Cox, 324). See Tudor's *Leading Cases on Real Property*, page 448.

charitable from non-charitable purposes. The maintenance of a family monument, say, in Glasnevin Cemetery, is not a legally charitable purpose. Therefore, a gift or bequest for the maintenance of such a monument in perpetuity—or for the maintenance of it for a period not limited in some one of the three ways already specified—is invalid. But if the monument be in a church, its maintenance will be regarded as a charitable purpose. A bequest for the maintenance of such a monument even in perpetuity will therefore be upheld as valid.<sup>1</sup>

A further and scarcely less important favour accorded by our law to charitable bequests is that, in certain cases, such bequests will be upheld as valid, and effect will be given to the general charitable intention of the testator, even though the particular charitable purpose specified in the bequest is impossible to be effected.

This is a favour shown to charitable bequests only. A bequest for any non-charitable purpose would, in such a case, simply fall through. Suppose, for instance, that a sum is bequeathed for the enlargement or improvement of an ordinary family residence by the addition of another story, and that, on structural or other grounds, it is found impossible to carry out the specified work. In such a case, the bequest cannot be applied to the enlargement or improvement of the house in any other way, and, unless some alternative provision has been made in the will, the sum bequeathed will fall into the residue.

But if the object of a bequest which thus fails is a legally charitable one, another principle comes in. In cases of this kind, what is known as the *cy-près* doctrine

<sup>1</sup> See Tudor, *Charitable Trusts* (3rd Edition), pages 6 and 7. As this standard treatise will frequently have to be referred to in the course of these papers, it is convenient to mention, once for all, that the page-references, which will be given in all cases, are to the 3rd Edition, the latest published. On the point mentioned above, see also Tyssen, *The Law of Charitable Bequests*, Chapter 7, "On Gifts for Erecting and Repairing Tombs." This point will be more fully dealt with in due course, in the next paper of this series, in the March number of the I. E. RECORD.

is applied. The principle of *cy-près* is simply this, that where a general charitable intention is shown, but the particular mode pointed out by the founder cannot be literally carried into effect, it will be carried into effect as nearly as possible.<sup>1</sup>

The *cy-près* principle is one that very frequently has to be acted on by the Courts, whether in the original application of a bequest, or in the re-modelling of a charity that can no longer be carried on under its original constitution.

The following seems a convenient classification of the cases to which the *cy-près* principle, as thus understood, is applicable:—

1. Where a charitable purpose, for which there was scope at first, becomes impossible in course of time, from there ceasing to be any objects of such charity—as, for instance, in a bequest for the release of captives in Barbary;

2. Where the charitable purpose named in the will at first exhausts the income of the charitable fund, but in the course of time, from an increase in the income of the fund, a surplus remains over, for the allocation of which no provision has been made;

3. Where the charitable purpose named is not sufficient, even at first, to exhaust the income of the fund, and no provision is made for the allocation of the balance over;

4. Where the charitable purpose named,—for instance, a particular charitable institution,—has ceased to exist after the death of the testator, but before the distribution of his assets;

5. Where the charitable purpose named cannot be carried out, in consequence of some impediment of law or of fact, other than the fact of its having ceased to exist after the death of the testator.<sup>2</sup>

In cases of the four first classes, the *cy-près* principle will be applied by the Court;<sup>3</sup> that is, the Court will apply

<sup>1</sup> See Tudor, *Charitable Trusts*, pages 136-173; Tyssen, *The Law of Charitable Bequests*, Chapter 33; Jarman, *On Wills* (5th Edition), pages 204-212.

<sup>2</sup> On the recent case of *Re Slevin, Slevin v. Hepburn*: see Jarman, page 209.

<sup>3</sup> See Tudor, pages 32-53, and pages 139-162; Tyssen, pages 440-441; Jarman, pages 204-212.

the fund to some charitable purpose, selecting for the purpose the nearest that can be found to the particular purpose specified in the will. The word "nearest" is here to be understood, not as implying that there must be any actual resemblance between the purpose selected by the Court and the purpose originally specified, but that no other purpose coming nearer to the specified purpose can be found.<sup>1</sup>

But the fifth class of cases cannot be so easily dealt with in a summary statement.

The following is probably as useful a statement as can be made on the point within the limits of a paper such as this:—"The courts have held in some cases that the testator had only a *particular intention* [that is, an intention of effecting the particular charitable purpose which he has named], and, that failing, the gift has failed; but in other cases they have held that, beyond the particular intention expressed, there was a *general intention of charity*, and then the failure of the particular intention has let in the general intention, and the Court has applied the fund *cy-près*." <sup>2</sup>

This general principle, though very plainly laid down in legal treatises, does not seem, at all events until recently, to have been very freely acted on by the Courts, in cases of the class now under consideration.<sup>3</sup> Of late, the tendency would seem to have been to give fuller effect to it.

Even still, a special difficulty seems to be felt by the Courts in applying the *cy-près* principle in cases where the charitable purpose mentioned by a testator has come to an end before the testator's death. In many such cases, the bequest has been held to lapse just as in the case of an ordinary bequest to a private individual.<sup>4</sup> It would seem, however, that cases of this kind, are not, as a class, in any way exempted from the general principle

<sup>1</sup> See Tudor, pages 143, 144.

<sup>2</sup> Tyssen, Chapter 33, *On the Cy-près Doctrine*.

<sup>3</sup> See the cases discussed in Tyssen, Chapter 33, already quoted.

<sup>4</sup> See Tyssen, Chapter 21, *On Gifts to Doubtful and Defunct Societies*, page 225; Tudor, page 36.

already stated as regulating the application of the *cy-près* doctrine.<sup>1</sup>

Thus, the following definite statements of principle are laid down in a work of high authority: that "a gift to a charitable institution will, *if a general charitable intention is shown*, be supported in cases in which otherwise it would lapse;" that, "in order to produce this result, it must appear the donor intended that in any event the fund should be devoted to charity;" and that, "in this case, . . . the gift will be supported," even though the particular charitable institution named has come to an end, "whether before or after the date of the will."<sup>2</sup>

On a subsequent page, the statement is completed as follows:—"Where no general charitable intention is shown, but merely a desire to benefit a particular institution, and, by reason of the institution ceasing to exist, the legacy cannot take effect, there is a lapse."<sup>3</sup> The author adds that "*in such a case*, a gift to a charity which has expired is as much a lapse, as a gift to an individual who has expired; and it cannot be applied *cy-près*."<sup>4</sup>

Another writer of authority, after laying down the general test for the application of the *cy-près* doctrine, namely, the presence or absence of sufficient indication of "an intention to benefit charities, or a class of charities, *generally*"—"the particular named objects of gift" being taken as "mere instruments for carrying out such general intention,"—goes on to say:—"If the gift fails, by reason of a named institution coming to an end in the testator's lifetime or otherwise, . . . the general purpose of charity will be executed according to the doctrine of *cy-près*."<sup>5</sup>

A further illustration of the extent to which charitable bequests are treated with exceptional favour, is usually dealt

<sup>1</sup> See *ante*, page 112.

<sup>2</sup> Tudor, page 34.

<sup>3</sup> *Ibid.*, page 40.

<sup>4</sup> *Ibid.*, page 41.

<sup>5</sup> Jarman, pages 209, 210. See the dictum of Vice-Chancellor Wood in his judgment on *Fisk v. Att.-Gen.* (L. R., 4 Eq. 521), quoted *ibid.*, page 209.

with in legal treatises under the heading of *cy-près* applications,<sup>1</sup> although, etymologically speaking, the term *cy-près* is not strictly applicable to the class of cases in question.

These are cases in which a testator, whilst making a bequest for charity, has not indicated, or has not sufficiently indicated, the particular charitable object to which his bequest is to be applied, and either has made no provision for the selection of a particular charity, or has provided for the selection in some way that proves to be ineffective.

The favour with which charitable bequests are treated in cases of this class is a very notable one. For, with the single exception of bequests for charitable purposes, the rule of law is that, for the validity of a bequest, it is essential there should be a definite indication, not only of the property to be transferred, but of the person to whom, or the purpose for which, it is given. Otherwise the bequest will be set aside as void, for "indefiniteness," or "uncertainty."

This rule holds good even to the extent that a non-charitable bequest for general purposes, not defined by the testator himself, but directed by him, in his will, to be selected by his executors, or by other persons named in the will, is invalid. Thus, in a case frequently cited, *Morice v. Bishop of Durham*,<sup>2</sup> a bequest of the residue of an estate "to such objects of benevolence and liberality as the Bishop of Durham should most approve of," was set aside as invalid.

"Here," said Sir Wm. Grant, Master of the Rolls, in giving judgment, "there is no specific purpose pointed out, to which the residue is to be applied. The words 'charity' and 'charitable' do not occur. The words used ['benevolence and liberality'] are not synonymous [with 'charity'].<sup>3</sup> The trusts may be completely executed without bestowing any portion of the residue upon purposes strictly charitable. The residue, therefore, cannot be said to be given to charitable purposes; and, as *the trust is too indefinite to be disposed of to any other purpose*, it follows that the residue

<sup>1</sup> See Tudor, page 139.

<sup>2</sup> 9 Ves. 398.

<sup>3</sup> See the next number of the I. E. RECORD: "On the Legal Definition of Charity."

remains undisposed of, and must be distributed among the next-of-kin of the testatrix."<sup>1</sup>

But suppose the bequest was "for such *charitable* purposes" as the Bishop of Durham, or any other person or persons named, should approve of—the bequest being thus made applicable to legally "charitable" purposes only. In that case, the exemption of the bequest, as a charitable one, from the rule voiding ordinary bequests on the ground of indefiniteness would come into play, and the bequest would stand.

Care, however, must be taken in the application of this principle in favour of charitable bequests. Thus, for instance, a bequest for "such *benevolent, charitable, and religious purposes*" as the trustees should think most advantageous, was held void for uncertainty.<sup>2</sup> Here, it will be observed, there was *no obligation* to apply any portion of the fund to *charitable* purposes. If the whole fund had been expended upon purposes, "benevolent" or "religious," but not in the legal sense "charitable," there would have been no breach of trust. Therefore the bequest was not, properly speaking, *a bequest for charitable purposes*. The question always is, not whether it is left possible to apply the bequest to a charitable purpose, but whether it is made obligatory not to apply it to any purpose that is not charitable.

Thus, in all cases where a discretion is left to the executors to apply a bequest *either* to general charitable purposes *or* to purposes of an uncertain and indefinite character, not necessarily charitable, the bequest cannot be regarded as a charitable bequest. This was the principle acted on in the decision of the cases of the following bequests, all of which were set aside on the score of "uncertainty," none of them coming within the special exception in favour of charities:—"For such *charitable or other purposes* as the trustees may think fit;" "for *charitable or benevolent purposes*;" "to be expended in acts of *hospitality or charity*."

<sup>1</sup> *Morice v. Bishop of Durham*, 9 Ves. 398.

<sup>2</sup> *Williams v. Kershaw*, 5 Cl. and F. 111.



But here there is an important point to be noted. The words of a bequest may be such that, if taken alone, apart from the context, they might be wide enough to include other than charitable objects. But if it can be shown that, as a matter of construction, they can be cut down so as to include only purposes that are charitable, the Courts, putting that construction on the will, will treat the bequest as a charitable one, and so exempt it from the rule against uncertainty.<sup>1</sup>

Thus, in *Dolan v. Macdermot*,<sup>2</sup> the Court upheld the validity of a bequest for "such *charities and other public purposes* as lawfully might be, in the parish of Todmorton," as, in the event of the testator's leaving no special directions, the trustees should think fit. The words "and other public purposes" were taken to mean purposes *ejusdem generis* with the former, and therefore charitable. That is, those words were taken as intended to describe purposes held by the law to be charitable, but not charitable within the popular acceptance of the term.<sup>3</sup> How numerous such purposes are, we shall see as we proceed.<sup>4</sup>

So, in another case, a bequest "for *charitable and deserving* objects," was held to be a charitable bequest. The principle of construction acted on by the Court in this case also was, that the bequest was not made in favour of two distinct classes of objects—one "charitable," and the other "deserving" but possibly not "charitable."—but that only one class of objects was intended, that is to say, objects "charitable," and, therefore, "deserving." The word "charitable," then, was taken as governing the whole clause.<sup>5</sup>

The cases hitherto cited to illustrate the exemption of charitable bequests from the rule invalidating bequests

<sup>1</sup> See Tudor, *Charitable Trusts*, page 37; Tyssen, pages 194-207.

<sup>2</sup> 3 Ch. App. 378.

<sup>3</sup> See Tudor, page 38.

<sup>4</sup> See the next number of the I. E. RECORD: "On the Legal Definition of Charity."

<sup>5</sup> Tudor, *ibid.*; Tyssen, page 205.

on the score of indefiniteness, are cases in which effective provision was made by the testator for the selection of the particular charitable objects to be benefited—the selection of the particular charity being left by him to the discretion of the executors or of some other persons named in the wills. But, as I have already stated,<sup>1</sup> the exemption of charitable bequests from the rule invalidating bequests on the score of indefiniteness goes very much farther than is indicated by any cases of this class.

A bequest for undefined charitable purposes will be upheld, not only where the will makes provision for the selection, through the act of the executors or otherwise, of the particular charities to which the bequest is to be applied, but also in cases where no such provision is made, or where, if such a provision has been made in the will, it is found to be ineffective. The following may be taken as the principal classes of cases<sup>2</sup> that come under this further application of the principle of the exemption of charities from the rule of law voiding bequests on the score of “uncertainty” :—

1. Where a bequest is left for undefined charitable purposes, and the selection of the purposes is left to an executor or trustee who declines to act, or whose appointment is subsequently revoked by the testator, and no new appointment is made ;

2. Where the will indicates the testator's intention of determining the application of the bequest, which intention, however, he does not subsequently act upon ; as, for instance, if the bequest is “to such charitable purposes as I shall afterwards direct,” and the testator dies without leaving any direction ;

3. Where the testator's intention, thus declared, was subsequently acted upon by him, but the document in which he has expressed his wishes as to the particular application of the charitable bequest cannot be found ;

4. Where a general charitable intention is expressed in

<sup>1</sup> See *ante*, pages 114, 115.

<sup>2</sup> See Tudor, pages 28-53, 139-161 ; Tyssen, Chapter 33, *On the Cy-près Doctrine*.

the bequest, or is a matter of necessary inference from the context, or from the circumstances of the testator, but there is a misdescription of the person, or body, that the gift is to go to;<sup>1</sup>

5. Where the words used are equally applicable to each of two or more charitable purposes, as, for instance, if the bequest is to "the Catholic Orphanage in Dublin," and there is nothing to indicate which of the several Catholic Orphanages in Dublin is intended ;

6. Where the bequest is made in terms that cover a large class of charitable objects—a class too large for the bequest to be acted upon without a selection of some particular purposes out of all those covered by the general description—and nothing is said in reference to any selection ; as, for instance, if a sum of money, too small to be distributed among very many recipients, is bequeathed merely "for the poor," or "for the poor of Ireland," or "for the poor inhabitants of Dublin ;"

7. Where the terms of the charitable bequest are altogether indefinite,—as, for instance, where the bequest is "for charity," or "for charitable purposes,"—and no indication is given as to what particular charitable purpose, or what class of charitable purposes, the testator would wish to benefit.

In all such cases, the law takes upon itself the selection of some particular charitable purpose to which the bequest will be applied,—or it will direct the bequest to be distributed between two or more charitable purposes falling within its general terms,—so as to secure at all events that effect shall be given to the general charitable intention of the testator, and that, as far as possible, effect may be given to that intention in the direction intended by him.

It will be observed that in the various classes of cases of bequests I have now enumerated, the "uncertainty," or "indefiniteness," of the bequest is in reference only to the purposes to which the bequest is to be applied : it is not

<sup>1</sup> *Geary's Trusts*, 25 L.R.I. 171.

implied that there is any uncertainty as to the nature, or as to the amount, of the property that is bequeathed. If there is uncertainty as to this, the bequest, even though it be for a charitable purpose, will fail.<sup>1</sup>

Thus, in a case where blanks were left in a will for the amounts to be given in charity, the gift failed.<sup>2</sup> But, on the principles already explained,<sup>3</sup> charitable bequests have been upheld, when the total amount to be given in charity was defined, blanks being left in the will for the names of the charities and the amount to be allotted to each.<sup>4</sup>

As to the procedure by which effect will be given to bequests for charitable purposes left undefined by a testator, it would be quite out of place in papers such as these to enter upon a detailed exposition of the different forms of procedure followed in the various classes of cases that come into consideration. Some few illustrative cases, however, will be met with in subsequent papers.

In some cases, the Court deals with bequeathed property by means of a "scheme." In others, the procedure is that the Court merely declares that the bequest is a charitable one, leaving it to the Crown to dispose of it under the sign-manual.<sup>5</sup> When the Sovereign intervenes in this way in the disposal of a charity, it is in pursuance of the legal maxim that the King is *parens patriae*. When the matter is dealt with by the Court, the intervention of the Court is theoretically explained as an application of the *cy-près* doctrine. But, in the greater number of the classes of cases we have been considering, there is no indication of the particular intention of the testator. It is plain, therefore, that in such cases, the term *cy-près* is but loosely applied.<sup>6</sup> The Court,

<sup>1</sup> See Tudor, page 42; Tyssen, Chapter 19, *On Incomplete Gifts*, pages 212, 213;

<sup>2</sup> See Tudor, page 42; Tyssen, page 213; Jarman, page 206, note (g).

<sup>3</sup> See *ante*, pages 117, 118.

<sup>4</sup> See Tudor, page 35; Tyssen, page 299; Jarman, pages 205, 206.

<sup>5</sup> See Tyssen, Chapter 30, *On Crown Rights by Sign-Manual*.

<sup>6</sup> See *ante*, pages 114, 115.

in fact, in those cases, is absolutely unfettered in its selection of the particular charitable purpose to which it will apply the bequest. But it may, of course, be guided by any available evidence of the general views of the testator in reference to the relative merits of different charities.<sup>1</sup>

The special favour shown by law to charitable bequests may be further illustrated by an instance of considerable importance, which, however, applies only to charitable bequests in Ireland. This is, that charitable bequests in Ireland are altogether exempt from legacy duty. The detailed explanation of this important exemption must be reserved for a subsequent paper, where it can be given with the requisite fulness.

In reference to the favour shown by the law to charitable bequests, in the various ways already specified, it is always to be borne in mind that a bequest will not be treated as charitable, or will not receive any greater favour than would be given to it if it were non-charitable, unless the charitable character of the bequest is distinctly impressed upon it by the testator.

It is not enough, then, that the terms of the bequest are sufficiently wide to allow of its being applied to a charitable purpose. Nor is it enough that the executors are willing to apply the bequest to a charitable purpose, or even that they have, in fact, so applied it. To entitle a bequest to the special favour accorded by the law to charitable bequests, something more than all this is needed,—the wording of the bequest must be such as to make the application of the bequest to a charitable purpose a matter of legal obligation, so that to apply it, or to apply any portion of it, to a non-charitable purpose would be a breach of trust. To quote once more from Sir Wm. Grant's judgment in the case of *Morice v. Bishop of Durham*,<sup>2</sup> the question is, not whether the executor "may not apply it upon

<sup>1</sup> See Tudor, page 155.

<sup>2</sup> See *ante*, pages 115, 116.

purposes strictly charitable, but whether he is *bound so to apply it.*"

On a similar principle it is held that, to entitle a charitable bequest in Ireland to exemption from legacy duty, it is requisite that the terms of the bequest should be such as to leave the executor no option of applying it elsewhere than in Ireland. Some years ago a case that turned upon this point was decided in the Irish Court of Exchequer. It was a case in which money was left for "the education of clergymen for the Foreign Missions,"—undoubtedly a legally "charitable" purpose,—and it was quite certain that the money would be applied to the uses of All Hallows College, Dublin, although there was no obligation upon the executors to apply it in that College, or to apply it anywhere else in Ireland. The Chief Baron (Palles) explained the law of the case as follows :—"To bring the case within the Statute, *the legacy must be for a charitable purpose in Ireland.* There must be a clear intention *manifested upon the face of the will* that the purpose should be *effectuated here*, and there must be *an obligation on the trustees to apply the money in Ireland.*"<sup>1</sup> In the case before the Court, there being nothing in the will to limit the application in this way, to a charitable purpose "in Ireland," the legacy duty had to be paid.

I can state from my personal experience that, even still, cases of this kind are of not unfrequent occurrence. Wills are made for charitable purposes : the intention of the testator is that the money is to be expended in Ireland : executors or trustees are selected, who, as a matter of fact, will, without doubt, apply the money in Ireland : but no *obligation to expend it in Ireland* is imposed in the will. In many quarters, the point of law so lucidly explained by the Chief Baron seems to be altogether overlooked.

This matter will have to be dealt with in fuller detail when we come to consider the legal position of bequests for Masses.

<sup>1</sup> *Attorney-General v. Delany*, Irish Reports, 10 Common Law, page 104.

So far, then, for the notable favour with which bequests for legally charitable purposes are dealt with by our law. On the other hand, there is, in one exceptional case, a serious disability to which such bequests are subject. For, in Ireland, it is still the law that,—except in one particular case, specially exempted from the general rule by a recent Act of Parliament,<sup>1</sup>—any disposition, by will, of land for any charitable purpose is invalid unless the will has been made at least three calendar months before the death of the testator.

The invalidity of such bequests in Ireland dates from the Act 7 and 8 Vict., cap. 97, passed in 1844. The leading provisions of that Act will have to be fully considered in a subsequent paper. But it may be of interest here to note that no such restriction upon bequests of land for charitable purposes any longer exists in England. The far more stringent legislation upon that subject which was in force in England when the Act of 1844 was passed for Ireland, has been repealed by a recent Statute (54 and 55 Vict., cap. 73), the Mortmain and Charitable Uses Act of 1891. Until the passing of that Statute, it was the law in England, under an Act of 1736 (9 Geo. II., cap. 26),—commonly but very inaccurately referred to as the Statute of Mortmain—that land could not be left by will for any charitable purpose. This applied to all wills, quite irrespective of whatever interval might elapse between the making of the will and the testator's death. Now, by the Mortmain and Charitable Uses Act of 1891, that enactment has been repealed, subject, however, to certain provisions of the Act which make a sale of the land compulsory within a limited period.

But the Act of 1891, which effected this substantial change in the law of Charitable Bequests in England, does not apply to Ireland. The disability created by the Act

<sup>1</sup> The Working Classes Dwellings Act, 1890 (53 & 54 Vict., cap. 16) enacts, *inter alia*, and under certain restrictions, that the provision of law referred to in the text shall not apply to a devise of land for the purpose of providing dwellings for the working classes in any populous place as there defined,—this being a legally “charitable” purpose, and therefore, but for this exemption of it, falling within the provisions of the Irish Act of 1844 (7 & 8 Vict., cap. 97).

of 1844 for bequests of land to charitable purposes in Ireland, continues, as yet, unremoved.

Having now pointed out the position, sometimes favourable, sometimes unfavourable, in which, especially in Ireland, bequests for charitable purposes stand before the law, I purpose, in my next paper, to complete the treatment of the first section of my general subject, by dealing with the important question, What constitutes a "charitable" purpose, in the legal sense of the term?

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

## THE CREATION: A REVELATION OF THE CREATOR

" Day uttered speech to day : and night to night  
Taught knowledge. Silence had a tongue ; the grave.  
The darkness, and the lonely waste, had each  
A tongue, that ever said, Man ! think of God !  
Think of thyself ! think of Eternity !—  
Fear God ! the thunders said. Fear God ! the waves.  
Fear God ! the lightning of the storm replied.  
Fear God ! Deep loudly answered back to Deep."

POILLOCK.

**W**HEN seeds are only just beginning to sprout ; when they first begin to thrust aside the loose soil, and to push forth their delicate green blades above the ground, their resemblance to one another is extremely close. At that stage of their existence, none but the practised eye of a botanist can distinguish even an oak from a hazel, a beech from a buttercup, a daisy from a daffodil. The knowledge of the real and enormous differences that exist between them, is acquired in all their true proportions, only when months have gathered into years, and time has been allowed for each to reach maturity. Only then can we fully appreciate and contrast, for instance, the grandeur and splendour of the oak, towering up to heaven, its great gnarled limbs thrust into the clouds, with the



unpretentious and modest nut-tree, cowering beneath its shade ; and so on with the rest.

The same remark may be applied, within limits, to man in his relation to the irrational creatures about him. The contrast between him and all other sensitive beings, though from the outset, immense and bridgeless, is not so easily recognised, nor so clearly definable, nor so readily measured in the earlier stages of existence, as it is after both man and beast have lived together for some centuries.

At a period when men wore scarcely any clothes, when they lived a wandering, unsettled, and nomadic life ; when they dwelt in caves, or rudely constructed bowers of bent boughs, or in log cabins ; when they nourished their bodies on the chance produce of the chase, and stretched themselves to sleep on the bare ground, or on bundles of dry grass, leaves, or ferns ; when they had no knowledge of any of the crafts, trades, or professions, nor harboured even so much as a suspicion of the arts of writing, reading, arithmetic, painting, music, &c., it was impossible to measure, as we do now, the height and depth, the length and breadth of the distance, which radically separates man from the rest of the animal world.

Every succeeding century is helping to make the contrast more marked and striking, and to draw the line of demarcation more sharp and clear. This must be so. For while the irrational creature is ever at a standstill, and while neither birds nor beasts have added anything material to their power or industry, to their skill or their cunning, man is ever pushing forward, conquering fresh fields of knowledge, extending his experience, opening new spheres of activity, and acquiring a clearer insight into nature, and extracting from her, day by day, more and more important secrets.

Inventions and discoveries of the most marvellous and undreamed-of kind are constantly being sprung upon us. Undertakings, thought for centuries to be impossible, we see successfully executed before our very eyes ; powers and forces which seemed to our forefathers wholly intractable and stubborn, are actually brought under easy control ;

secrets and mysteries, apparently insoluble, have yielded before our exertions, and ten thousand newly-discovered truths have helped to appease the whetted appetite of our insatiable curiosity, and our indomitable thirst after knowledge.

We are able to play the conjuror or the magician with the world around us, and to convert almost every object it contains to our own use and profit—from the mariner's compass, whose faithful guidance we invoke when crossing tractless seas, to the spectroscope, which brings us messages from the distant stars—from the sun, which we have taught to print elaborate landscapes for us, upon sensitized plates, in a moment of time, to the electric current which puts us into immediate communication with the most remote parts of the world—from the phonograph, which preserves the actual voices of the singer or reciter for an indefinite period, to the kinetoscope which reproduces their every look and movement, and changing gesture. And, so, we might go on enumerating and reviewing the countless inventions of modern times, to illustrate man's growing dominion over the physical world.

The earth, however, is not intended to administer to our bodily necessities and social conveniences only. It has another and a far more important function to fulfil, and that is to educate the religious character of man, and to elevate his thoughts and aspirations, from the visible and material world below, to the invisible and spiritual world above.

The visible universe, stretching out all around us to inconceivable distances, is destined to teach us, not only that God exists, but to teach us something about His existence ; to tell us not merely *that* He is, but also *who* He is. Yet this is a lesson which few of us sufficiently take to heart. Yet, if the Bible and the Church are both revelations of God, the material creation around us is quite as truly a revelation, although, of course, of another kind—a revelation of His divine perfections and unapproachable attributes.

A few words will make this clear. Just as it is possible to gain a certain knowledge of man, by a study of the works

of man, so is it possible to get a certain knowledge of God, by a study of the works of God. Now, no thoughtful person can take up any delicate and beautiful contrivance of human skill and industry, and study its manifold parts, without experiencing a feeling of genuine wonder and admiration for the artificer. We are invited, let us suppose, to examine some beautiful watch. We consider attentively its manifold parts ; their extreme minuteness, their exquisite delicacy of detail ; the skill with which they are all connected ; the main-spring, the hair-spring ; the checks and counter-checks ; the lever escapement and the balance-wheel, with its regular rhythmic pulsation, almost reminding us of the systole and the diastole of a human heart.

On such an occasion, our thoughts do not confine themselves to the material object before our eyes. On the contrary, they flow back to the mind that first conceived the idea, that drew out the plan, and put it into execution, and that contrived to fashion from the shapeless, formless metal so complicated, so interesting, and so ingenious a piece of mechanism.

Or, if this be too trite and commonplace an example, let us select another. Suppose, then, that we are seated at the opera, listening to some gorgeous piece of music. The liquid notes of organ and viol, of silver trumpets and reedy flutes, blend together in sweet accord, and weave about our ears a fairy web of most entrancing melody, which captivates the senses and enthrals the heart. And as, delighted beyond measure, we listen to the strain, our thoughts will not rest there, but will instinctively travel back to the great composer. The well-known form of a Mozart, or a Weber, or a Wagner, will rise up before our imagination. We picture him to ourselves sitting alone in his study, and carrying the whole of that stupendous conception in his individual mind. In thought we see him projecting the first faint outline of the piece. We watch it gradually taking shape, and growing and developing in grace, expression, and beauty in his hands, while he blends note with note, and chord with chord, in rapturous harmonies, introducing instrument after instrument with ever more telling effect,

until at last a sonata or an oratorio results, which even the élite of the gay and giddy world will stop to listen to and to applaud.

A similar line of thought is suggested to our mind when we contemplate any other master-piece of any representative man whomsoever. Whether the object of our admiration be a poem or a play, a beautifully-sculptured form, an exquisite painting, or some stupendous pile of architecture—a veritable poem in stone or marble—the mind invariably looks beyond the object to its fashioner, and marvels at the skill and ingenuity displayed. It thereby gains a far clearer and fuller conception of the power and versatility of man, than would be otherwise possible.

Now, just in the same way in which the works of man are a kind of revelation to us of the nature and attributes of man, so the works of God are to us a kind of revelation of the nature and attributes of God. If they cannot actually set forth His Power, Wisdom, and Love, in all their fulness, they, at least, suggest these qualities, and adumbrate or shadow them forth. And if we have our attention drawn to the wonders of God's creative power, and approach their study with the same interest, reverence, candour, and spirit of humble inquiry with which we approach the study of the works of man, we shall be using creatures for the highest possible purpose, and shall penetrate more and more deeply as life wears on, into the fathomless ocean of God's inscrutable perfections.

Of all the visible works of God, man is himself the most remarkable. If, indeed, the operations of man are indicative of so much intelligence and skill, what are we to think of Him who devised and gave existence to such a being, and who planted within the human mind all that is requisite to produce the mechanic or the musician, the poet or the philosopher, the general or the politician, the scientist or the discoverer?

The position that God has given to man in the universe, seems the very best, from which to contemplate His wonders, and to learn His divine attributes. He is stationed between two infinities—between the infinitely great, on the one side,

and the infinitely small,<sup>1</sup> on the other. Both are full of the marvellous and the unfathomable. Into both he can peer curiously a little way, but only far enough to enable him to realize what a poor, weak creature he is, and how incapable of exhausting the mysteries contained even in the material and inorganic creation. Perhaps the attribute of God, which lies most on the surface of things, and which is most readily seized by an enlightened contemplation of the universe, is His inconceivable power and immensity. I stand on the pebbly beach of some great ocean ; I contemplate the vastness of the scene before me, and I am struck at its immensity. When my physical sight touches the horizon, and can travel no further, I open the eye of my intelligence, and penetrate into still remoter regions. Beyond the thousands of miles of restless waters, great mountains arise before me, their snow-clad peaks hidden in the clouds, and their base reaching to the centre of the earth. I see whole continents stretching out over vast areas, covered with great, populous cities and towns teeming with millions upon millions of human beings ; and as I gaze I muse within myself, and strive to realize the gigantic proportions of the earth on which I live.

Ever since man first trod the soil, he has been studying, and inquiring, and investigating, and striving to learn more and more of the formation, and structure, and composition of this his habitation, and of the history of the rocks and of the mines of precious metals, buried deep within its bowels. Yet, after many thousands of years, the utmost that man has been able to do is, as it were, just to scratch its surface. Never has he been able to penetrate more than a league or two into its interior. After countless busy generations of men have passed their lives in study and patient research, great libraries have, indeed, been filled with learned volumes concerning the earth and its contents. Yet, in spite of all the treatises of geology, zoology, botany, conchology, and all the other ologies, what does man s

<sup>1</sup> The infinitely small is by far the more fascinating and surprising of the two *infinities*, improperly so called. But of that we shall speak in a future paper.

knowledge really amount to? To extremely little. All that man knows about the rude earth, compared with what still remains unknown, is as one inch compared to a million leagues.

And what, after all, is this earth which engages and absorbs so much of our time and of our attention? To us it is certainly a great deal—yea, almost everything. How proud is he who can, even for a few years, call a square mile or two of its surface his own! How high he holds his head above his fellows! Yes, we, poor little creatures of a day, are wont to regard it as an immense and gigantic creation. But what is it really, when compared with the other works of God? A thing of naught! A mote floating on a boundless sea; a wandering grain, lost amid ten thousand myriad worlds; a tiny speck, in infinite space, a point, a nothing! The sun, shining out above our heads, is more than a million times the bulk of the entire earth. A thousand, or, for the matter of that, ten thousand worlds, as great and as magnificent as our own, might be carved from the substance of the sun, and still the sun would be hardly appreciably diminished, either in size, or brightness, or beauty—no, no more than some great factory fire would be appreciably diminished in heat or fierceness, were you to withdraw a glowing cinder from it, to light your pipe.

Nay, more: so inconceivably vast is the material creation, that the whole of our solar system represents but the meanest and most insignificant fraction of it. What would be the effect upon the universe at large, if the Earth and the Sun, and Jupiter, and Mars, and Saturn, Uranus, Neptune, and, in a word, all the other planets constituting our system, were to be suddenly blotted out of existence? Astronomers assure us, that the effect upon the universe at large, would be merely, that one little star, lost in the depths of fathomless space, had ceased its twinkling and gone out, so stupendous is the scale upon which God has built up the sidereal universe. In sober truth, such a catastrophe as we have been supposing, would introduce no more change in the appearance of the heavens, than the destruction of a single leaf would introduce into the appearance of a great virginal forest. It would

have no more effect upon the creation, as a whole, than the destruction of one tiny grain of sand would have on the general aspect and configuration of the sea-coast; and we can well realize how little that would be.

How the mind flutters tremulously, as a startled bird, to the feet of its Maker, when its eye opens on the wonders of creation! How instinctively the words of the prophet rise to the lips:—"What, O Lord! is man, that Thou art mindful of him, or the son of man that Thou shouldst visit him?"

Wander forth on a clear calm night of summer, and look up into the arching heavens. Look with awe and reverence, for you are gazing upon one of the most sublime and striking manifestations of divine power and loveliness. See; the whole floor of heaven is inlaid with pattens of pure gold. How countless in number, how brilliantly beautiful, how exceedingly majestic! What, we exclaim, are those luminous points, looking like scattered particles of golden dust? They are, in sober truth, colossal worlds, as great, as beautiful, as fair as ours. Many of them inconceivably greater. Yea, even the sun itself is but a pigmy compared with many amongst them. It is owing solely to their awful distance that they look but as microscopic grains of golden splendour. Oh! how earthly glory fades and shrivels up; how all worldly pomp and pageantry seems but a tattered rag, so soon as we catch glimpses of God's infinity.

The sun is more than ninety-three million miles away—a distance the mind cannot at all realize—yet it is close by, yea, almost touching us, as compared with some of the fixed stars. Thus scientific authorities declare that "Procyon, one of the *nearest* of bright stars, is a million times the distance of the sun from us," and that "Arcturus is twelve times further off than Procyon." If, indeed, these were to approach as near to us as the sun, we would be incapable of enduring either their brilliancy or the fierceness of their heat. The stupendous distances that meet us, when dealing with astronomy are overwhelming, and positively flood the mind with light, regarding the majesty and might of God.

Call to mind what astronomy teaches us regarding, for instance, Sirius, popularly known as the "Dog Star." That

enormous mass of incandescent flame and fire, fiercer in its heat, and vaster in its proportions than our own sun, is rushing away from us, and plunging and diving and trying, as it were, to bury itself in the fathomless depths of space, at the rate of one thousand two hundred miles a minute, or twenty miles a second. Yet, though flying from us, even at that prodigious rate, it cannot withdraw itself from our view, but looks almost as bright and as conspicuous to us now, as it did to our great-great-grandfathers, generations and generations ago. This fact will convey some idea to our minds—firstly, of the magnitude of this fiery traveller; and, secondly, of the measureless amplitude of space, that can afford even so immense a creature such ample room in which to pirouette.

To move over twenty miles of space, while your watch ticks once, may seem pretty swift travelling. At that rate, I might be in London one minute, and in Dublin the next; and back here again before I am missed. Yet, the motion of the Dog Star is slow. It does but creep along, like a slimy snail when burdened with its shell, and all its household effects, compared with certain other celestial bodies. By means of that modern invention, the spectroscope, students of the midnight skies have arrived at the conclusion, that Arcturus wings his lightning-like flight through the heavens, not at the rate of a little over a thousand miles a minute, like the Dog Star, but nearly twenty times as fast; that is to say, at the rate of twenty-two thousand eight hundred miles a minute. In other words, he passes over a distance of three hundred and eighty miles at each successive beat of your pulse.

Could I board Arcturus, as I can board an ocean steamer, and direct its motion, I might go right round the entire world, and be back here again, in less than one minute and a half. Even a bullet from a musket, travels not at a thousandth part of the speed. If X be separated from Y, by ten thousand yards, and standing at X, I fire with a rifle at Y, while the bullet is actually passing from X to Y, Arcturus might have gone the whole distance, and then returned, nine hundred and twenty-six times; then have started again, and would still be at the winning-post Y,



before the rifle ball could come up with it.<sup>1</sup> Indeed, the pace of these grey-hounds of the sky is almost beyond the power of man to picture, even by means of figure and comparison ; we can but do our best, and cling more closely, and lovingly, and truthfully, to Him of whom all this mysterious world so loudly speaks.

Yet, even here, we must pause, in order to call to mind, that in spite of the discoveries that have been made, and the perfection of the astronomical instruments that aid his investigations, man is able to scan but a very narrow circle around him. We see some hundreds of worlds shining down upon us. We invent a telescope, and at once fresh constellations and galaxies rise into view. We improve our instruments still further, and lo ! what we took to be empty interstellar spaces, are now found to be crowded with innumerable stars.

Where is this to stop ? Where are we to put a limit to the wondrous works of God ? We are limited solely by the necessary imperfection of our instruments. When we retire from the task, baffled and disappointed, and confess that we can penetrate no further into these unexplored and untold distances, we are well aware that it is not because there are not as great and far greater wonders to view, but simply because our means of investigation are exhausted, and because we have reached the utmost limits of our present powers. Though narrow and strait is the little circle of our observation, we know at least enough to fill our minds with wonder and admiration at the unapproachable majesty and omnipotence of the irresistible Lord and Maker of all this grandeur.

The heavens and the earth are full of His glory, and

<sup>1</sup> The muzzle velocity of one of Messrs. Armstrong and Company's first-class guns, is 1,083 feet, per second. But the velocity of Arcturus is 380 miles, or 2,006,400, feet, per second. Therefore Arcturus moves 1852 times faster. In other words, Arcturus could go and return between any two distant points, say X and Y, nine hundred and twenty-six times ( $\frac{1852}{2}$ ), before the bullet is able to complete the single journey from one point to the other. I say "before," because the bullet does not keep up the muzzle velocity, but travels at a considerably less speed in the last second of its flight, than in the first, whereas the velocity of the heavenly bodies is almost uniform

every creature enunciates His greatness. Well may we cry out with the prophet, in an ecstasy of rapturous delight :—  
 “Thou, O Lord! hast laid the foundations of the earth, and the heavens are the works of Thy hands. They shall perish, but Thou shalt endure; and they shall all grow old, as a garment; and as a vesture shalt Thou change them, and they shall be changed; but Thou art the selfsame, and Thy years shall not fail;” for “from eternity unto eternity Thou art God,” and “there are none like unto Thee in heaven or on earth.”

If, however, the limitless extent of the universe about us, and the gigantic number and size of those great worlds that fill all space, speak to our hearts of a Divine Power and an Irresistible Might, so on the other hand, the harmony and regularity of their movements, speak no less eloquently and no less emphatically of a Supreme Wisdom and a Fathomless Beauty.

Look around as far as eye can reach, or the most perfect telescope can sweep, and contemplate the harmony of the spheres. There is no confusion, no jarring note to be discovered there. Though there are (*a*) worlds innumerable, and though (*b*) each is in rapid motion—our own earth is speeding along at the rate of one thousand miles a minute—yet (*c*) each planet has its own particular clearly-defined orbit, and hastens on, year out year in, without ever swerving to the right or to the left, or quitting its path, or colliding against another, or slackening speed, or shifting its course, save in obedience to strict laws. Most of the heavenly bodies are under the influence of at least three distinct movements, one about their own axis, another around some greater central body, and a third athwart the heavens; yet so precise and accurate are their motions, that in spite of their great complexity, astronomers are able to predict to a nicety the exact spot in the heavens in which a planet may be found fifty or a hundred, or even a thousand years hence.

For example, already we know so well both the path of Venus and its rate of progression, that we can trace the planet for years and centuries to come, and can determine in advance, the hour of its arrival at any given series of

points in its course, far more accurately than we can determine the arrival of the Great Northern Express, at the various stations it passes, on its way from London to Edinburgh. We are informed, *e.g.*, that Venus will not pass between us and the sun's disc for a hundred and nine years, but that on a certain specified hour in the year 2004, those of our descendants who care to direct their gaze towards the sun, will then be able to see her impinge upon the sun's disc, travel across, in appearance like a dark spot, and then quit this gorgeous background again, to continue her aerial flight through space once more.

When we consider, firstly, that the portion of the universe in any way known to us is, in all probability, nothing at all compared to the portion wholly unknown to us; and when we consider, in the second place, that the whole was made by God; and, in the third place, that it was formed by the mere utterance of a word, or rather by a momentary act of the will, it is impossible not to be impressed with a deepening sense of God's power.

And what, after all, is this measureless creation in the presence of its Maker? A grain of contemptible dust, a drop of the morning dew, a nothing, for "all things before Him are as though they were not." As He gave them birth, so He might destroy them; as a single word brought them up from the bottomless abyss of nothingness into existence, so a single word might hurl them all back again into the nothingness whence they came. Further, just as He made the present universe what it is, so, in like manner, He might, with considerably less trouble than it takes to mention it, make another universe so immeasurably greater still, that the existing universe would be related to it only as a mole-hill to a mountain, or a drop to an ocean. When once we enter upon the domain of possibilities, however, we might go on for ever. Let us, then, conclude with the words of inspired wisdom, addressed to God by the great King Solomon: "Great power belongs, O God! to Thee alone; and who shall resist the strength of Thy arm? For the whole world before Thee is as the least grain of the balance, and as a drop of the morning dew that falleth down upon the ground" (Wis. xi. 22).

The advantage of dwelling upon such thoughts as these are manifold. Not only do we gain, little by little, a deeper insight into the mysteries of God; not only do we learn to form a clearer conception of His unapproachable grandeur and majesty; not only do we dispose ourselves to realize more accurately the insignificance and pettiness of man, and of all that appertains to his present life; but new hopes arise within us, together with the promise of better and more glorious things. We feel more vividly than ever, what a limitless store of information, and pleasure, and delight, lie out in the far-off distance, could we but approach and learn. The light of eternity, as it rises upon each soul, after the night of death, will, indeed, scatter the darkness of ignorance far and wide, and disclose a wondrous scene.

I will explain my meaning by a supposition. Suppose I am living in the most exquisitely beautiful land ever dreamed of by poets, but in one prolonged night of impenetrable darkness, seeing only so far as the glimmer of a rush-light can carry, and that all at once the sun were to rise above the eastern hills, and drive back the darkness, and scatter the shadows, and open up before my astonished gaze a limitless expanse of meadow and forest, and smiling streams and sparkling waters, with ten thousand varieties of tropical ferns, and flowering shrubs, and fruit-bearing trees, and birds, and beasts, and glittering insects of every description, with shade and sunshine, and mingling colours, and waving boughs, and frolicking sheep, and sailing clouds, and hurrying brooks, and laughing rills, and tumbling torrents and cascades, &c., how empty, restricted, and barren would then seem my original rush-light knowledge of the country I inhabit! So it seems to me, will it be when death comes and snuffs out our earthly existence, and the sun of eternal justice rises into view, and discloses the real nature and grandeur of what hitherto we have looked at and gazed upon with the feeble vision of physical sense.

JOHN S. VAUGHAN.

## ANGLICAN ORDERS

**T**HE question of the validity of Anglican Orders has been treated of late by various learned writers so ably and fully in its doctrinal, historical, and liturgical aspects, that little might seem to remain for further discussion. Still, I venture to add a few words on the subject from another point of view.

Even, though everything should be conceded that Anglicans urge in favour of the validity of their Orders—to what, at the most, would it all amount? To a merely speculative probability that they are valid. But the Catholic Church could never accept any probability, however great, as sufficient ground for her recognition of them, or for sanctioning their practical exercise. Though all her theologians should hold that the opinion affirming their validity was equally probable with, or even more probable than the contrary opinion, still this would not be enough; for it is a binding law, that in the administration of the sacraments, when there is question of their validity, no use can be made of a probable opinion, or even of one that is the more probable; but that the safe side must be followed; that is to say, there must be a moral certainty.<sup>1</sup>

The only exception to this rule would be in a case of urgent necessity, when a priest is justified in making use of an opinion of even slender probability, if thereby the salvation of a soul is better provided for. Thus, for example, an infant in danger of death should be baptized with what is doubtful matter of the sacrament, when no certain matter is procurable. But in all such exceptional cases the sacrament must be administered conditionally, to prevent

<sup>1</sup>That even the laxest probabilists would not allow the exercise of Orders only probably valid, appears from one of their propositions condemned by Innocent XI., which is as follows:—"It is not unlawful in giving sacraments, to follow a probable opinion as to the validity of the sacrament, and to leave the safer opinion, unless the law or convention forbids, or there is danger of incurring great evil. Hence, it is only in the ministration of baptism, and the ordination of a priest or bishop, that a probable opinion must not be used."

irreverence, should it happen to be invalidly conferred ; and, if the subject of the doubtful sacrament survive, the ministrations of it must be conditionally renewed.

We may note the scrupulous care which the Catholic Church takes to secure the validity of Holy Orders, from the wording of the rubrics in the Pontificale :— “ Let the bishop pay diligent attention, when he is conferring Orders, that he commit no fault in the utterance of the forms, or in the collation of the instruments of the Orders themselves ; let him frequently look at the Pontificale, and proceed leisurely. Let him remind the ordinandi that they must touch the instruments, by the tradition of which a character is being impressed. Let him say the secret prayers slowly, and with pauses (*morose*), so that those ordained to the priesthood may be able to say them with him : for they are bound by custom to celebrate together with him, and even to pronounce the words of consecration.”

This same care is yet more clearly shown forth in the rules laid down by all Catholic theologians for the correction and supply of any mistakes or omissions that might take place in an ordination to the priesthood. But to explain this point, it is well to mention briefly here the three opinions which theologians have held with regard to the essential matter and form of the Order of Priesthood.

According to the first opinion, the matter is exclusively the tradition of the instruments ; and the form, the words which the bishop pronounces in that act. This opinion is now commonly rejected by theologians as not being sufficiently probable.

The second opinion is, that the essential matter and form are twofold ; viz., first, the tradition of the instruments, and the words then said : “ *Accipe potestatem offerre sacrificium Deo,*” &c., whereby power is delivered over Christ’s real Body ; and secondly, the imposition of hands after the Communion, together with the words : “ *Accipe Spiritum Sanctum, quorum remiseric peccata,*” &c., whereby is delivered power over Christ’s mystical Body.

The third opinion is, that both powers, as well of offering sacrifice as of absolving, are conferred by the second

imposition of hands,<sup>1</sup> and the accompanying prayers; and that therein alone consists the essential matter and form of the sacrament; whilst the tradition of the instruments, and the words then said by the bishop serve to express and explain the power already conferred over the real Body of Christ, and are, so to say, the integrating and accessory matter and form; whilst the third imposition of the bishop's hands, together with the words "Accipe Spiritum Sanctum," &c., declare and confirm, in their turn, the powers already conferred over Christ's mystical Body.

This third opinion is now commonly held as the more probable, and is defended by Benedict XIV., St. Alphonsus, and many other theologians of weight. St. Alphonsus is careful to add that, whilst, from extrinsic reasons, this opinion appears to him the more probable one, still he holds it only speculatively; for in practice, whatever, according to a really probable opinion, bears upon the validity of the sacrament must be carried out; and in this all theologians concur.

Hence if anything had been omitted with regard to *essentials*, that is to say, the matter and form of the sacrament, the ordination must, by all means, be repeated; and, indeed, in whole, should the opinion or doubt about it bear upon the conveyance of the first power, viz., over the real Body of Christ; but if it bear upon the second power, viz., over the mystical Body, then this alone would have to be supplied. Consequently, should the third imposition of hands with the words: "Accipe Spiritum Sanctum," &c., have been the sole omission, or there were doubt as to whether it had been given, all that has to be done is to supply it afterwards. Whereas if the omission regarded *accidentals*, then, should it be about some lighter matter—for example, that the ordained had failed to say the Canon—

<sup>1</sup> In the Ordination of a priest there are three impositions of hands; 1°, when the bishop lays his hands on the head of the ordinandus, but says nothing, and all the priests assisting do the same; 2°, when after this first imposition of hands the bishop, and the assisting priests together extend their hands over the ordinandus, and the bishop, at the same time, offers prayers; 3°, when after the Communion he lays his hands on the head of the ordained priest, and says, "Accipe Spiritum Sanctum," &c.

such a ceremony, or the like, ought not to be repeated ; but should it be about something grave ; for example, the omission of the unction of the hands, or the neo-presbyter not saying the words of consecration with the bishop, then the defect must be afterwards supplied, otherwise the newly-ordained priest would sin grievously by neglecting to have the fault repaired, or by exercising his Order until this was done.<sup>1</sup>

From all this we see how careful is the Church in her practice and the teaching of her theologians, to secure nothing short of moral certainty for the validity of her Orders as regards their matter and form, and that she will not here allow the use of any merely probable opinion, however great it may be, as practically reliable for their collation. Whilst, on the other hand, she will not suffer aught to be omitted that has at any time been held to be necessary for validity by theologians whose opinion has been recognised as probable, even though it should be opposed to the more common and truer opinion of her doctors later on. In this way, by preserving and putting into practice all that claims to be really probable, the evidences of moral certainty are accumulated, and its security is confirmed.

The large-hearted charity of the Catholic Church, in her desire for the salvation of souls, is evidenced by the fact, that in the article or danger of death, where no approved confessor or other Catholic priest is at hand, she herself supplies to every priest—be he heretic, schismatic, excommunicate, or apostate—plenary jurisdiction, whereby he can absolve a dying person from all censures and sins whatsoever.<sup>2</sup> Theologians generally reckon as coming under like conditions with danger of death : engagement in battle, a perilous sea voyage, a difficult childbirth, dangerous sickness, probable risk of falling into insanity. They extend it also to captives amongst the infidels, who have but slight hope of recovering their liberty, or of meeting with any other priest.<sup>3</sup>

<sup>1</sup> See St. Alphonsus' *Homo Apostolicus*, t. iii., Exam. Ord., n. 92.

<sup>2</sup> Concil. Trident., Sess. xiv., *De Pœnitentiæ*, cap. vii. *Rituale Romanum Rubric, De Sacramento Pœnitentiæ*.

<sup>3</sup> St. Alph., *Th. Mor.*, L. vi., un. 560, 561.



Now, if Anglican clergymen were, with any probability, validly ordained priests, they would—according to Catholic theology—with the same amount of probability, receive, under the above-named circumstances, this supply of jurisdiction from the Church to absolve; and a Catholic in danger of death should he be in a state of mortal sin, would, in the absence of any Catholic priest, be bound to make the best provision he could for his salvation, by seeking conditional absolution from such a clergyman. But what Catholic ever dreams that an Anglican clergyman is a priest, or that he has any more power than a layman to absolve him from his sins, or would think of asking him to do so even at the hour of death? We hear sometimes, indeed, of recent converts still clinging to the notion of the validity of Anglican Orders; and it is, perhaps, only natural that neophytes should hold somewhat tenaciously to old beliefs. Apostate priests, like Antonio De Dominis and Le Courayer, whatever may be their real sentiments will, of course, profess to believe in the validity of Anglican Orders, for there is often much to gain by such profession. It may chance, too, here and there, that a learned Catholic writer should start some novel view on the question. But no ordinary well-instructed and enlightened Catholic—not to speak of the simple faithful—would ever entertain the idea.

And what, after all, is any crude speculative theory really worth that goes in the face of the uniform practice of our holy Mother the Church, who, whilst abhorring as sacrilege the reiteration of those sacraments which impress a character—on the one hand invariably confirms and ordains *absolutely* all clerical converts from Anglicanism who become her priests, and thus plainly declares that in her judgment their Anglican confirmation and orders were certainly invalid; and, on the other hand, re-ordains *conditionally* a candidate, in whose case there is found, after examination, some real probability for the validity of the orders previously conferred.

The following incident which in course of time became an open secret, and can be well authenticated, will serve to illustrate this last point:—Some years ago an Anglican clergyman who had been re-ordained by bishops of the

Corporate Reunion Society, instituted by Dr. F. G. Lee, was received into the Catholic Church. Ere long he presented himself as a candidate for the priesthood to Cardinal Manning, who, after having received full information as to all the circumstances of the second ordination, referred the case to Rome. The answer was, that the candidate must by no means be ordained absolutely, but conditionally. And this was done.

Thus the Church by her uniform sanction, during upwards of three hundred years, of *absolutely* ordaining clerical converts from Anglicanism, when they become Catholic priests, equivalently rules and declares that the orders they before received are utterly null and void;<sup>1</sup> according to the axiom of Canon Law: "*Consuetudo est optima legum interpretis.*"<sup>2</sup>

It is not for us, of course, to anticipate any future and more explicit judgment of the Church; but it seems, at first thought, incredible that her uniform sanction of a practice of so great moment, wherein the question of sacrilege is involved, should not be in harmony with the mind of the Divine Spirit of truth, who, our Lord has promised, will ever guide her into all truth. Even allowing the hypothesis that the Church might yet recognise some probability for the validity of Anglican Orders, they would, at all events, have to be revalidated conditionally, according to the unanimous sentence of theologians; and, indeed, in such conditional revalidation, the application of theological opinions would be stretched further than the rule which usually obtains where defects in ordination may have to be repaired.

But, looking at the question entirely apart from any sanction or judgment of the Church, and simply as one of historical fact, to be judged on its own merits, according to the *pros* and *cons* on either side—the validity of Anglican Orders can never rise beyond the sphere of probability and reach the point of moral certainty. Indeed, though the

<sup>1</sup> See, too, the decree of Clement XI., April, 1704, in the case of Dr. Gordon, Anglican bishop of Galloway, quoted in Williams' *Anglican Orders*, pages 34-37.

<sup>2</sup> *Decretalium*, lib. i., tit. 4, *De Consuetudine*.

Church should decide on the validity or non-validity of the Anglican Ordinal as regards the matter and form—as she did with regard to the heretical propositions deduced from the *Augustinus* of Jansenius—and determine also what intention is necessary and sufficient for the sacrament; yet the Church has no special power to pronounce sentence on questions of simple historical fact, *v.g.*, whether Barlow was a duly consecrated bishop; or Parker was consecrated as recorded in the Lambeth register, and that register be genuine; or whether the Nag's Head story was a pure fiction; and, in fine, whether there has been an uninterrupted valid succession of Anglican Orders from their first origin until the present day. All these questions, being on pure matters of fact, are outside the sphere of the Church's infallibility, and have to be judged by the ordinary rules of historical criticism, according to the weight of evidence for or against them.

Now, though the concurrent view of impartial critics on these several historical facts should favour the contention of Anglicans, and the common opinion of theologians should consequently be, that most probably their Orders are valid, still there would always remain a considerable residuum of probability for the contrary opinion; and, hence, the whole case would continue to be more or less doubtful; for it is quite impossible, at this date, to clear up satisfactorily all the difficulties and objections that lie in the way on either side.

But what, perhaps, most of all, militates against the claim of Anglicans is, that positive disbelief in the validity of their Orders has always been in possession from their first origin until the present day, both amongst Catholics all over the world, and also amongst the schismatical Churches of the East. By Catholics in this country it was formally denied from the beginning that Anglican had valid Orders. No one, in fact, has ever believed in their validity,<sup>1</sup> but Anglicans themselves, who are the interested party; whilst amongst

<sup>1</sup>Such few isolated exceptions, as were before referred to, only prove the general rule.

them hardly any of their divines ventured, until lately, to claim Orders in the Catholic sense, and held that, by ordination to the priesthood, they received power to offer up in true sacrifice to the Eternal Father the real Body and Blood of Jesus Christ in behalf of the living and the dead, and to forgive the people their sins.

By far the greater number of professed members of the Church of England, both clerical and lay, would, in every generation, scout such a doctrine as entirely alien to the genuine teaching of their Church. A proof of this is, that the very terms : priest, altar, sacrifice, mass, confession, have become popularly, and still are with them, by-words of execration and reproach, smacking of popish superstition and idolatry. Another proof is, that all vestiges of a real sacrifice were carefully expunged from the Anglican service of the Lord's Supper, and only a single mention of a metaphorical "sacrifice of praise and thanksgiving" was allowed to remain in the service. At the same time, the myriad consecrated altar-stones were removed from their places throughout the land, and subjected to special profanation, with ecclesiastical sanction ; thus to root out from the minds of the people all idea that the ministers of the new religion were in any real sense sacrificing priests.

Now this universal disbelief and denial of valid Anglican Orders, at home and abroad, is a moral fact constituting an argument of the greatest importance, which—though it does not immediately affect any of the doctrinal points and historical questions above mentioned—yet cannot be put aside in the discussion and interpretation of them. For, if we look over the face of Christendom, we shall see, that wherever amongst all other heretical or schismatical bodies there is a valid succession of Orders, there is uniformly found, on the one hand, a general popular belief among the members in the sacerdotal character, powers, and functions of their priests, and in the sacrifice of the altar—however corrupt in other respects their religion may be ; and, on the other hand, there is no disposition on the part of Catholics, or others outside, to deny the validity of the Orders in such schismatical bodies, but it is universally admitted.

From the whole foregoing discussion, then, we conclude, that, at the utmost, no more could be granted than that there may be some probability in favour of the validity of Anglican Orders; and even though such probability be held to preponderate over that for their invalidity, it could be never otherwise than speculative. For practically, on no mere probability, however great, could such tremendous issues as the reality or unreality of divine sacraments and the communication or not of sacramental grace—matters affecting so nearly the honour of God, and so vital to the salvation of countless souls—be allowed to depend.

T. LIVIUS, C.SS.R.

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## Progress of the Church

### UNITED ITALY

**T**HE rulers of United Italy are not a happy family. When the truce of the recess is over, and the parliamentary battle begins again, the public may look forward to serious complications. The wholesale corruption that has prevailed in the management of the Roman Bank during the past fifteen years is sure to be brought to light. Already a glimpse has been given into the inner working of the institution, and accusations of fraud, of theft, of plunder on a scale so enormous as to look almost incredible, are hurled in the faces of one another by the foremost statesmen of Italy. The Commission that was appointed to inquire into the affairs of the bank has turned out to be as corrupt as the bank itself. The Prime Minister, Crispi, is accused by his predecessor in office, Signor Giolitti, of having received large sums of money from the funds of the bank in return for his patronage and protection. By this patronage thousands of persons all over Italy were led to believe in the security of the bank, which turned out to be the Panama of Italy. Giolitti is joined in this campaign by Signori Brin, Cavallotti, Zanardelli, and Di Rudini, all of whom are ex-Cabinet ministers. Here are the words of Di Rudini, undoubtedly the most moderate and the most

responsible of all these men, having been for a considerable time Prime Minister himself :—

- “ For this shameful breakdown of the Roman Bank, official Italy has not a word of blame. The abuse of public trust has been laid bare; the fraud committed on the shareholders has been proven; the complicity of public functionaries, the deceit practised on the Chamber of Deputies by the falsification of documents, the inexplicable conduct of the magistracy, the toleration of all this by ministers, are facts that cannot be denied. The tribunals of the country absolve the guilty; the government absolves the tribunals; and parliament, by its silence, absolves the government. In Italy, therefore, at the present time, there is no political, no moral, no penal or civil responsibility. The guilty have immunity from punishment, and the tax-payers are the only victims. They have to pay the eighty millions required to balance the accounts. A more indecent spectacle was never witnessed.”

The words of Di Rudini, however, are mildness itself when compared with those of Cavallotti, Zanardelli, Brin, and Giolitti. At the end of the last session of parliament, Signor Crispi was openly accused of having participated in this wholesale pilfering of public funds. In order to silence his opponents he prorogued parliament; and, in the interval, the king has conferred upon him the order of the “ Annunciada.” His peace, however, cannot last long, for Signor Giolitti has promised to renew and prove his charges when parliament re-assembles. It is believed that the Prime Minister’s answer will be a dissolution of the Chamber and an appeal to the country. Such are the men who were to purify the government of Italy. The happiness which Italians enjoy under the *regime* is shown by the periodic outbursts of revolution in Sicily, of armed discontent in Lombardy, and of the cry of “ *si muore di fame* ” at the very gates of Rome. There are, we believe, more anarchists in Italian prisons at the present time than could ever have been counted at any given period before the occupation of Rome and the spoliation of the other Italian states.

#### KING FRANCIS II. OF NAPLES

Whilst the successors of Garibaldi and Cavour were denouncing each other as robbers and hypocrites, there died, at the little town of Arco, in the Tyrol, in the peace and resignation of a Christian and a Catholic, one of their royal victims. Francis II., King of the Two Sicilies, was born at Naples, on 16th of January, 1836. His father was Ferdinand II., and his

mother, the Venerable Cristina of Savoy. After the violent usurpation of his States he left Naples on the 7th of September, 1860, and took up the defence of Gaeta, where he was joined by his heroic wife, Sophia of Bavaria. After six months' splendid resistance, which won for him the admiration of Europe, he was overcome and compelled to take refuge at Rome, where he was affectionately received by Pius IX. Even from Rome he was obliged to retire in 1870, and from that till his death he lived in exile in Germany, in France, and in Austria. A hostile newspaper, the *Mattino* of Naples, bears eloquent testimony to the fortitude and dignity with which the dethroned monarch bore his trials. "Never did prince," it says, "support adversity with more silent courage and dignity than Francis II. No complaint was ever heard from him about his misfortunes, and during his twenty-four years of exile few sorrows were spared him." A year before his death he said to one of his friends, a Roman Prince, "Much as I am grieved to be compelled to live so far from the country I love, I regard it as a special grace obtained for me by my beatified mother not to occupy a throne at a time when it is so difficult to reign without making a compromise with one's conscience."

In recent times he led a quiet religious life in his retirement at Arco. He went to confession every week, and always endeavoured to kiss the hand that gave him absolution. He received Holy Communion very frequently, and approached the Altar rails in the midst of the pious, humble country people, amongst whom he lived. He heard several Masses each day, and recited the Rosary with the poor in the church. His death was worthy of his life. He received the Viaticum and the Papal Benediction, and quietly expired after Mass was offered up in his room on the 26th of December. This was the monarch whom the liberals of Europe, and of England in particular, literally chased from his throne, the pretext being a system of government that could not compare for severity and absurdity with that which they themselves subsequently carried on when it suited their plans to do so. What the country has gained by the change of rulers may now be judged from the compliments that are passing between the Crispis and the Giolittis, from the jails crammed with anarchists, and the general misery and poverty of the people.

#### RUSSIAN ENVOY TO THE POPE

Two envoys extraordinary were sent by the new Czar to Italy to announce His Majesty's accession to the throne to the

Pope and to the King, General Ignatieff was the messenger sent to the Quirinal and Prince von Lobanow, the Russian Ambassador at Vienna, to the Vatican. It was mainly owing to the representations of the latter that the late Czar consented to the re-establishment of diplomatic relations between the Russian Government and the Holy See. The envoy was received with the usual honours. His interview with the Pope is said to have been most cordial, and he was subsequently entertained at a banquet by Cardinal Rampolla. The re-establishment of diplomatic relations will, it is believed, have a most happy influence on the fortunes of the eight or ten million Catholics who reside in the Czar's dominions.

#### M. CASIMIR PERIER AND THE NEW FRENCH PRESIDENT

By far the most important fact in the recent troubles in France is the resignation of M. Casimir Perier.

With the political effects of this "*gran rifiuto*" we have nothing to do. We are concerned here alone about the interests of the Church. The resignation has been regarded by most of the Catholic papers in France as a desertion and a betrayal.

When his country was in trouble, instead of acting a man's part to set things right and find a remedy, M. Casimir Perier added to the confusion, and abandoned his post. The *new spirit* that was announced at the outset of his *regime* to guide the Republic in its relations with the Church, was fairly well maintained. But his political career was short, and it is now at an end for ever. People are, therefore, more interested in his successor. The French Congress deserves to be congratulated for having chosen a moderate man like M. Felix Faure, in preference to the intolerant radical Brisson. M. Faure was born in Paris in 1841, and baptized a Catholic in the Church of St. Vincent de Paul. The rumours circulated in the newspapers that he is a Protestant are, therefore, false. His father was a cabinet-maker, and he himself became a successful tanner and fellmonger. He commanded a company of volunteers in 1870, and was sent to England by Gambetta to purchase provisions. He returned soon after, and took an active part in the suppression of the Commune, for which he was decorated as a member of the Legion of Honour. He subsequently occupied a position in several cabinets. He was always a Liberal, but, as things go in France, on the whole, moderate. He voted against the separation



of Church and State ; against the expulsion of the royalist princes ; against the payment of the municipal councillors ; against the suppression of the embassy to the Vatican ; against the election of senators by universal suffrage ; and in favour of the Government Convention with the railway companies. At Havre, where he had established his business, he was a prominent member of several charitable associations. Last Easter he visited Jerusalem and most of the places of pilgrimage in the Holy Land.

It is to be hoped that both the President and the new Government may be led to realize the incalculable injury which the campaign against religion has done to France. Not to speak of the acts of such men as Cornelius Herz and Captain Dreyfus, of the Panama scandals, and the crimes of the anarchists, the world witnesses a state of things, the outcome of secularism, which is a disgrace to the Republic. An unprejudiced writer in the *Correspondant* thus sums up the situation :—

“In the public life of the country, misdeeds, abuses of trust, frauds of every kinds, are the order of the day. People are no longer astonished at anything they hear. They learn that a man who was yesterday in power, a knight or an officer of the Legion of Honour, is arrested to-day and confined at Mazas, just as they heard formerly that he had gone for a fortnight's rest to Nice or Trouville. At Toulouse, the magistrates, in a moment of independence, feel themselves obliged to make a raid on the documents of the municipality, and discover there the proofs of a wholesale system of fraud, carried on for ten years by the representatives of authority. At Marseilles, municipal councillors are arrested, police authorities suspected of conniving at their swindle are dismissed or degraded. In Paris, the Minister of Public Works asks the Chamber to vote the contract with the Southern Railway Company. The matter is urgent, and it is passed by a majority of three. It then goes before the Senate, but the attitude of the Minister changes, he is no longer in a hurry. The Senate adjourns for the recess, and, before they re-assemble, the principal agents of the Railway Company are arrested, and are now under lock and key.”

The Catholics of France must know, however, that in order to put an end to this unfortunate state of things, and to keep a moderate Government in power, they must bestir themselves, and like their neighbours in Belgium, attend to the register, keep the masses on hands, and make all the necessary preparation for an appeal to the country.

## THE CHURCH IN HUNGARY

The Ministry of Weckerle has fallen in Hungary. The causes of the downfall are enveloped in mystery. All that is made public is the fact that the Cabinet no longer possessed the confidence of the Emperor. A new Ministry has been formed under the premiership of Baron Banffy, a Protestant and Liberal, but a somewhat more moderate statesman than Weckerle. The Catholics have but little to hope from the change, and are not disposed to put their trust in the new Government. At the bye-election of Leutchau they put forward a candidate of their own, and won by a large majority. This has given them courage, and they seem determined to follow up their victory. The new Government is now preparing its official scheme for carrying out the "Civil Marriage Bill." In six months they will be in full operation all over the country. The bishops have recently addressed another joint pastoral letter to their people. It is couched in moderate but dignified and Christian language, and is likely to have more fruitful effects than if it went forth in defiant tones :—

"You know well, reverend and beloved brethren, that, in addition to the other reverses that have filled our hearts with bitterness and sorrow during the past year, what is called 'The Civil Marriage Law' obtained the force of law on the 18th of December. You know how we, in virtue of the sacred authority confided to us, exhausted every argument and every effort in order to avert from our beloved country, and from our flocks, so great a misfortune. You are well aware that we made repeated representations to the Apostolic King, in which we pointed out the oppression that was being prepared for the Catholic faith, the onslaught that was made on the rights of the Church, the dangers that threatened the throne and the fatherland. You remember that we raised our voices in solemn protest against this wicked enactment in the Parliament, and recorded our votes in opposition to it. But all our efforts and all our representations had no effect. It is now your duty to avert the evil effects of the law by every means in your power. Work, therefore, with courage, but not in despair. Let our Lord Himself be your model, to guide you in patience and confidence, remembering that, although the world persecuted Him, yet He conquered the world. Let your chief weapons be prayer, sobriety, charity, the examples of your lives, that, in the words of St. Paul, 'those who are against you may have no evil to reproach you with.' Every effort should be made to uphold the prestige of Christian

marriage, and to surround it with the honour which is its due on account of the sacred character with which it was invested by our Lord Jesus Christ."

Although the defeat of Weckerle does not mean the abandonment of the anti-clerical policy of the Government, still it is of some importance that a man who has taken such a leading part in the anti-Christian work should no longer have power to harass the Catholics by its application.

J. F. HOGAN.

## Theological Notes

### ANSWERS TO CORRESPONDENTS

CAN BISHOPS OBLIGE CURATES TO APPLY MASS FOR THE PEOPLE ON SUNDAYS AND HOLIDAYS ?

REV. DEAR SIR,—In some dioceses of Ireland the bishop requires curates to offer Mass, *pro populo*, on Sundays and holidays, just as parish priests in obedience to the general law of the Church do. It is often doubtful whether this is by way of counsel or precept. Supposing the bishop intends to impose a precept as far as he can, are the curates really bound *sub gravi* ?

DUBIUS.

We will extend the scope of our correspondent's question, and inquire—1. Are curates bound by the *general law* of the Church to say Mass *pro populo* on Sundays and holidays ? 2. Do the *Maynooth statutes* impose this obligation ? and 3. Can *bishops* require curates to apply Mass *pro populo* on Sundays and holidays ?

According to the common law of the Church, bishops and parish priests are bound to apply the Holy Sacrifice of the Mass for their people on Sundays and holidays. Theologians do not always state this law with the precision we might expect from them. Sometimes, for example, they say that all priests, who are charged with the *cura animarum*, are bound to apply Mass for their people. But

chaplains to hospitals and kindred institutions, and missionaries in 'countries where the parochial system has not been established, are charged with the *cura animarum*, and yet we know from formal decisions that they are not bound to apply Mass for their people. The obligation then is annexed to the *cura animarum* in its strict sense, namely, to the care of souls which arises from the parochial office. The first condition, therefore, for the application of this law is the existence of the parochial system. Then, assuming the existence of the parochial system, the law is confined to those who are really parish priests, or who take the place of parish priests. Hence if a bishop, instead of a parish priest, appoints an administrator to a parish, the administrator is bound to apply Mass for his parishioners on Sundays and holidays. And the same is true of a priest who gets charge of a parish during the illness of the parish priest. Finally, we may remark that the general law of the Church requires only *one* Mass to be offered *pro populo* in every parish on Sundays and holidays.

Now, with regard to *curates*, 1°, are they bound by the common law of the Church to apply Mass *pro populo* on Sundays and holidays? We are quite certain that they are not. But do not the Maynooth statutes say: "Sciant Vicarii, sicut *pastoralis officii participes constituuntur*, ita et *pastoralis curae*," &c. (n. 219); and therefore, as our curates are made partakers of the *pastoral office*, and as the obligation of offering Mass *pro populo* follows the pastoral or parochial office, should we not hold that they are bound by the common law of the Church to offer Mass *pro populo*? Curates are not made partakers of the pastoral office in the sense that they are made parish priests, but because they are made sharers in the duties annexed to the office of parish priest. And even if it were asserted that they are made partakers of the pastoral office itself, still they are not bound individually to offer Mass *pro populo* on Sundays and holidays. For the pastoral obligation in relation to the Mass *pro populo* is that *one* Mass be offered for the people of each parish by their parish priest; and, consequently, there is no general obligation of offering *many* Masses for

the people, one by the parish priest, and the others by the curates.

2. *Are our curates bound by the Maynooth Statutes to offer Mass pro populo every Sunday and holiday?* In the Acts and Decrees of the Synod of Maynooth, we find the following:—"Meminerint vero tum Parochi tum Vicarii omnes, singulos *in solidum teneri*, prout occasio exigat, *ad omnia officia curae pastoralis* in parocia exercenda;" and hence the question arises, are curates bound by this statute to offer Mass *pro populo* on Sundays and holidays. Now, it is evident from the reason already explained that curates are not bound to this obligation. For the only "*officium curae pastoralis*" that has relation to the Mass *pro populo*, is the obligation of offering *one* Mass for the people of each parish; each parish has a right that *one* Mass should be applied for it on Sundays and holidays; and the parish priest is bound to offer that Mass. But are not curates and parish priests bound *in solidum, ad omnia officia curae pastoralis*? Yes, so it is enacted. But then we must attend to the meaning of *obligatio in solidum*. If, for example, four persons co-operate to steal *one* hundred pounds, they are not bound to restore one hundred pounds each, or a total of *four* hundred. And, similarly, if a parish priest, and, let us say, two curates, are bound *in solidum* to offer *one* Mass *pro populo* on Sundays and holidays, it does not mean that they are bound to offer a Mass each for the people, or a total of three. It means, if we would interpret this statute according to the general law of the Church, that the parish priest is bound *absolutely* to apply the Mass *pro populo*, and that the curates are bound *only conditionally*. If, for example, the curates know that the parish priest does not offer Mass *pro populo*, they are bound, unless they inform the bishop, to arrange for the application of the Mass among themselves: but then the priest who offers the Mass *pro populo*, has a right to a *honorarium* from the parish priest. Similarly, we should say that, when a parish priest dies, the curates are bound to arrange among themselves and have one Mass offered for the people every Sunday and holiday; but we think that the curate who says the Mass

*pro populo* is entitled to a *honorarium* for the Mass from the parish priest's share of the parish revenue.

3. *Can a bishop compel the curates of his diocese to offer Mass pro populo on Sundays and holidays?* This brings us to our correspondent's question. And if we thought that the question regarded the actual practice in any particular diocese, we should be very slow to pronounce an opinion on it. While we are prepared to answer, to the best of our ability, difficulties sent to us for solution, we cannot allow the pages of the I. E. RECORD to be used for the purpose of airing personal disputes, and much less for the purpose of criticizing the actions of our superiors. We therefore regard the question as an abstract difficulty, the outcome, perhaps, of a friendly discussion at some fireside synod of our young theologians. Then to reply to our correspondent's question: we think that a bishop cannot oblige his curates *sub gravi*, or *sub levi*, to offer Mass *pro populo* on Sundays and holidays. We think that, when the Church makes a general law which is altogether independent of local circumstances, and when it subjects some to the obligation of the law, and does not subject others, it does not allow bishops, so to speak, to improve on the law, by subjecting to its obligation those whom it, in its wisdom, thought fit to leave free. We think that a bishop has no more power to oblige curates to apply Mass *pro populo* on Sundays and holidays, than he has to oblige his parish priests, besides the Mass on Sunday and holidays, to apply Mass for the people on some ordinary week day; or than a provincial synod has to extend the obligations of the bishop himself in this same matter. It is our opinion, therefore, that curates may be counselled by their bishop, but not commanded, to apply a Mass on Sundays and holidays for the people of their parish.

D. COGHLAN.

## Liturgical Notes

### ANSWERS TO CORRESPONDENTS

#### THE CONDITIONS FOR GAINING THE INDULGENCES OF THE STATIONS OF THE CROSS

REV. DEAR SIR,—The devotion of the Way of the Cross is enriched with many indulgences, having all those granted to the faithful who visit the sacred places in Jerusalem. It is important to know what is required to gain those indulgences.

The *Raccolta* lays down three conditions:—First, that the stations be erected by those who have the faculty to do so. Secondly, that those who perform the devotion, meditate on the Passion of our Lord, according to their ability. The prayers “We Adore Thee,” the Our Father, the Act of Contrition, introduced by a pious custom, are recommended, but not necessary; Confession, Communion, and prayers according to the Pope’s intention, generally required for a plenary indulgence, are not necessary. It is enough to be in the state of grace, and have a sincere sorrow for sin. Thirdly, that they go from one station to another, unless prevented by a crowd, or want of space.

Kindly enlighten me on the manner in which these conditions are to be fulfilled. First, is it necessary to go from station to station when the church is not crowded, and there is sufficient space; or will it suffice to remain in the same place and turn towards the different stations? If so, do those on a gallery, who cannot see some of the stations in a church having aisles, fulfil the conditions? If it be necessary to move from station to station, when it can be done, may the people remain in the same place, when the devotion is public, if the priest goes from station to station? Secondly, is it necessary to kneel during the devotion? Maurel (page 144) says it is necessary to rise, change one’s place, go from station to station, and, if prevented by a crowd, to make some slight movement, and turn towards the following station. From saying “it is necessary to rise,” it would appear that it is necessary to kneel. I have not seen the indulgences granting the indulgences; I do not know whether the kneeling position is necessary. Thirdly, if three or four of the stations be without crosses, can the indulgences be gained?

A MISSIONARY PRIEST.

1. In replying to the first of the questions proposed by

our esteemed correspondent, it is necessary to distinguish between the case in which the devotion of the Way of the Cross is performed privately by an individual, and that in which it is performed publicly by a priest, the congregation assisting. In the first case, the individual must move from station to station whether he be alone in the church, or the church be crowded. Hence, the seventh of the Instructions on the Way of the Cross, issued by the Congregation of Indulgences, discourages the practice of this devotion by individuals while a congregation is present in the church for any purpose. From the fulfilment of this condition by individuals, no inconvenience, no moral, or even physical impossibility, will excuse; the individual who performs the devotion privately must either move between each station and the next, or rest satisfied without the indulgences attached to the devotion. In some dioceses, however, where it had been for a long time customary for the people, when performing the devotion of the Way of the Cross, even individually, not to move from station to station, but to remain in the same place, special indults have been granted sanctioning this custom, and enabling the people to gain the indulgence without fulfilling the condition of moving from one station to another. But the fact that such indults were considered necessary, affords a strong confirmation of what has been said regarding the absolute necessity of fulfilling this condition in all places to which no indult has been granted.

When the Way of the Cross is performed as a public devotion, it is sufficient in practice<sup>1</sup> for the priest who recites the prayers and meditations to move from station to station. This method, first proposed by St. Leonard of Port Maurice, with a view to prevent the confusion necessarily caused by a large crowd attempting to move

<sup>1</sup> In reality, the law obliges the people assisting at the public performance of the Way of the Cross, to move from station to station, as far as their numbers and the circumstances of the place will permit. But owing to the arrangement of our churches it is always inconvenient, and never devotional for even a comparatively small number of persons to accompany the priest. It is quite different in Continental churches, which, unlike ours, are not crowded with benches.



about in a confined space, has been sanctioned by the Congregation of Indulgences, as the following questions and replies clearly indicate :—

1. An in peragendo Viæ Crucis exercitio semper necessario requiratur localis motus de una statione ad aliam pro acquirendis indulgentiis concessis pium hujusmodi opus peragentibus?

Et quatenus negative.

2. An et quænam methodus sit præscribenda?

Et Sac Congregatio post maturum evulgatarum opinionum examen die 23 Julii, 1757 respondit.

Ad 1<sup>m</sup>. Negative.

Ad 2<sup>m</sup>. Ad mentem, quæ in eo versabatur, ut Eminentiſſimus Præfectus cum Secretario sequentem præscriberet methodum, ut nimirum pro publico exercitio Viæ Crucis quando perturbatio excitari potest observetur methodus a P. Leonardo a Portu Mauritio proposita, ut videlicet, unoquoque de populo suum locum tenente, sacerdos cum duobus clericis sive cantoribus circumeat, ac sistens in qualibet statione, ibique recitans peculiare consuetas preces, ceteris alternatim respondentibus.

Two altar-boys dressed like the officiating priest in soutane and surplice, and carrying lighted candles, generally take the place of the “two clerics or chanters,” mentioned in this reply of the Congregation. Moreover, if, owing to the dimensions of the Church, the people present cannot hear the prayers when read in front of each station, it is permitted, without any indult or special authorization, for one priest to read the prayers from the pulpit, while another accompanied by two altar-boys, as above, goes from station to station, and stands or kneels in front of each, while the prayers appropriate to it are being read.<sup>1</sup>

We conclude, then, in reply to our correspondent's first question :—1, that, when the devotion of the Way of the Cross is performed privately by an individual, the individual in order to gain the indulgences must move from station to station; 2, that when the devotion is publicly performed it is sufficient for the priest and two attendants to go from station to station, and that when this is done all the people who assist at the devotion, whether they be in the nave,

<sup>1</sup> Beringer, 2<sup>e</sup> Par., 3<sup>e</sup> Sect., 3, who cites as his authority a Manuscript of Propaganda, granted to the Bishop of Bois-le-duc, in Holland, on March 1, 1884.

aisles, or galleries, or whether they can see the stations or not, equally gain the indulgences.

2. Strictly speaking, it is not necessary either for an individual performing this devotion privately, or for the people assisting at it when performed publicly, to kneel at any time during it. The person performing it privately may make the required meditation standing before each station, without either kneeling or genuflecting, or he may both genuflect and kneel, or he may genuflect without kneeling, or kneel without genuflecting. Similarly, the people assisting at its public performance may remain standing or kneeling during the whole time, or they may stand up while the priest is moving from each station to the next, and kneel while he recites the prayers at each station. This last method is the most becoming, and is the one proposed by St. Leonard of Port Maurice.<sup>1</sup>

3. As it is to the crosses, and to the crosses alone, that the indulgences of the Way of the Cross are attached, the absence of one or more of them is a serious matter. For, though the pictures remain, they only serve to indicate the "station," or the position which the cross occupied, and contribute nothing to the gaining of the indulgences. Hence, so far as the indulgences are concerned, the pictures too might as well be absent, when the crosses are absent. Nevertheless, we are of opinion that, if only a few of the crosses—perhaps three or four—be wanting, and this only for a short time, the indulgences may be gained during their absence. This opinion, which is held by Beringer, is supported by the general tenor, though not by any explicit statement, of several decrees of the Congregation of Indulgences. But if there is much unnecessary delay in providing new crosses, the indulgences will, undoubtedly, cease until the new crosses shall have been provided. And here we may state, what is, perhaps, not very generally known. When any number of crosses less than seven, that is, less than half the whole number of crosses, have from

<sup>1</sup> "On conseille aux fideles, comme le dit St. Leonard, de se tourner au moins vers chacune des stations, de s'agenouiller et de se lever chaque fois avec le prêtre." Beringer, *loc. cit.*

any cause to be renewed, the new crosses require no blessing, and no special faculties are necessary for him who puts them in their position. But if all the crosses, or even a full half of them are lost or destroyed at the same time, an entirely new erection is required.

“Si cruces primitus benedictae omnino pereunt iterum canonica erectio necessaria est; si pereunt ex minori parte, licet alias illis substituere *absque ulla benedictione*.”<sup>1</sup>

#### QUESTIONS REGARDING SCAPULARS.

REV. DEAR SIR,—Can priests gain the indulgences attached to the several scapulars by the recitation of the Divine Office, without saying the prescribed prayers?

A MISSIONARY PRIEST.

As far as we know, no prayers are required for gaining the *indulgences attached to the wearing* of any of the scapulars. It is true that persons wearing the blue scapular may gain certain very great indulgences on any day on which they say, *Our Father, Hail Mary, and Glory be to the Father* six times. But these indulgences are quite distinct from those attached to the wearing of the scapular. For gaining the latter, as we have said, no prayers are required; while for gaining the former, neither the Divine Office, nor any other form of prayers other than that prescribed will suffice.

But, perhaps our correspondent refers to the “Privilege of the Sabbatine Bull”—a privilege or favour promised to those who wear the brown scapular during life, and fulfil certain other conditions. In a Bull, said to have been issued by John XXII. on the 3rd March, 1322, it is stated that the Blessed Virgin appeared to this Pontiff, and told him that she would deliver from Purgatory on the Saturday after death the souls of all those who, during life, wore the brown scapular, preserved chastity according to their state in life, and recited each day the Little Office of the Blessed Virgin; or, if they could not read, abstained from flesh-meat on the Wednesdays and Saturdays throughout the year. If, then,

<sup>1</sup> Decr. Auth., 270, ad 5.

our correspondent wishes to ask whether priests, by the daily recitation of the Divine Office, fulfil the third condition for gaining the privilege of the Sabbatine Bull—the condition, namely, of reciting daily the Little Office of the Blessed Virgin Mary—we unhesitatingly answer in the affirmative. For the Congregation of Indulgences, when asked the question :—

Num confratres sacri scapularis valentes officium recitare teneantur saltem ad parvum B. V. Officium persolvendum pro assequenda indulgentia Sabbatina ?

has replied :—

Affirmative, exexceptis iis, qui jam tenentur ad recitationem divini Officii.<sup>1</sup>

#### THE "ORATIO IMPERATA."

REV. SIR,—You will oblige by stating in the next number of the I. E. RECORD, whether the "oratio imperata quotidie dicenda" is to be recited under one conclusion with the commemorations which are prescribed, to be added "in 2<sup>do</sup> et 3<sup>to</sup> loco," or under a distinct conclusion.

P.P.

The ordinary *Oratio imperata* to which our correspondent's question refers is always to be said under a *second* conclusion. Hence, on a feast of double rite, when there is no commemoration, it is said under a conclusion distinct from that of the prayer of the feast. But on feasts of double rite, when there are one or more special commemorations, and on semi-doubles, the *Oratio imperata* is said under the same conclusion as the commemorations, whether special or common. Hence, we may reply to our correspondent's question : *Affirmative ad primam partem ; negative ad secundam*. And, with regard to this second part we may remark that in *no case* is it permitted to have *more than two* conclusions to the Collects in Mass, no matter how numerous or how varied in character they may be. Our correspondent's doubts may have been excited by the words

<sup>1</sup> *Decr. Auth.* 419, ad 1.

sometimes employed by writers on rubrics, when writing of the *Oratio imperata*. Thus, De Herdt, for example, says : "*Hæc oratio imperata quotidie dicenda, semper recitanda est sub altera conclusione.*" At first sight this statement might appear to mean that the *Oratio imperata* should always have a conclusion of its own distinct and separate from the conclusion of the prayer of the day, and of the commemorations. But this is not its meaning, for *sub altera conclusione*, means "under a second conclusion;" and consequently, whenever by reason of a special commemoration on a double, or of a special or a common commemoration on a semi-double or feast of lower rite, a second conclusion is rendered necessary, independently of the *Oratio imperata*, this prayer is said under that conclusion. But, as we have already stated, on a feast of double rite when there is no commemoration, the *Oratio imperata* has a distinct conclusion, because it must always be recited *sub altera conclusione*.

THE DISTINCTION BETWEEN PRIMARY AND SECONDARY  
FEASTS EXTENDED TO DOUBLES, MINORS, AND SEMI-  
DOUBLES.

"Evulgato Generali Decreto super primariis et secundariis festis, et eorumdem catalogo, Dubium excitatum fuit in Sacrorum Rituum Congregatione, an præcedentia festis primariis super secundariis tributa, afficiat solum Duplicia primæ et secundæ classis et Duplicia majora an etiam Duplicia minora et Semiduplicia? Itaque in Ordinariis Comitibus, subsignata die ad Vaticanum habitis, subscriptus Cardinalis eidem S. Congregationi Præfectus sequens proposuit Dubium. An distinctio inter Primaria et Secundaria Festa, vi Decreti Generalis diei 2 Julii 1893, sola respiciat Duplicia primæ et secundæ classis, ac Duplicia majora; vel etiam Duplicia minora et Semiduplicia, tam in occursu, quam in concursu, et in repositione? Et Sacra Congregatio omnibus mature perpensis respondendum censuit. Negative ad primam partem: Affirmative ad secundam ac Decreta quaecumque particularia in contrarium facientia per illud Generale Superius memoratum uti revocata ac nullius roboris habenda esse, Die 14 Augusti 1894.

"Caj. Card. ALOISI-MASELLA, S.R.C., *Praef.*  
"ALOISIUS TRIPEPI, *Secret.*"

This decree extends to ordinary doubles and semidoubles

the law passed in 1893, regarding the distinction between primary and secondary feasts. In the catalogue of primary and secondary feasts, published by the Congregation of Rites in that year, no feast of lower than double major rite was included. Hence, it was believed that the distinction between primary and secondary feasts had no reference to feasts of ordinary double or semidouble rite, and on this belief the directories for 1894 were compiled. But the doubt having been referred to the Congregation of Rites, was by them solved as above. The effect of this decree will be most noticeable, perhaps, in the concurrence of feasts of semidouble rite, with one of the votive offices. For these being also of semidouble rite, and being, moreover, but secondary, while the semidouble feast will be generally primary, will have only a commemoration in Vespers, the entire Vespers being of the feast. Hitherto, the votive offices ranked in all things as feasts of semidouble rite, and in concurrence with even a primary feast of this class, had Vespers either to or from the capitulum.

**DECREE REGARDING THE FEAST OF THE SACRED HEART OF JESUS, THE FEAST OF ST. JOSEPH, THE FEAST OF THE ANNUNCIATION OF THE B. V. M., AND THE FEAST OF ST. JOHN BAPTIST.**

"In Catalogo festorum, quae juxta Decretum diei 27 Augusti, 1893, uti primaria aut secundaria habenda sunt, festum Sacratissimi Cordis Jesu inter secundaria relatum fuit. Quapropter Dubium in Sacrorum Rituum Congregatione excitatum est, utrum per hoc Decretum alteri Generali diei 28 Junii, 1889, derogatum fuerit, et quomodo?"

"Sacra autem Congregatio in Ordinariis Comitibus ad Vaticanum coadunata, referente subscripto Cardinali eidem Praefecto, omnibus mature perpensis, respondendum censuit:

"Affirmative, et Festum Sacratissimi Cordis Jesu, utpote secundarium, omnibus Duplicibus primae classis primariis locum cedere, tam in occurso, quam in concursu atque in repositione. Cum autem ad normam ejusdem festi Sacri Cordis ordinatum quoque fuerit festum translatum S. Joseph, Duplex primae classis, dummodo primaria, tam in concursu, quam in concursu, ac in repositione illi esse praeferenda. Idem quoque servandum circa festum translatum Nativitatis S. Joannis Baptistae et Annunciationis Deiparae Virginis, nisi hoc transferatur simul

cum praecepto audiendi Sacrum, juxta Decretum in Aquen. diei 2 Septembris, 1741. Atque ita declaravit ac decrevit die 14 Augusti, 1894.

“Caj. Card. ALOISI-MASELLA, S. R. C., *Praef.*

“Loco ✠ Sigilli

“ALOISIUS TRIPEPI, *Secretarius.*”

This decree declares that the Sacred Heart of Jesus, being a secondary feast, yields both in concurrence and occurrence to other doubles of the first class which are primary, and makes the same rule apply to the feasts of St. Joseph and of St. John the Baptist, when transferred from their proper day. With regard to the Feast of the Annunciation of the B. V. Mary, which is a double of the second class, the decree ordains that, when it is transferred without the *feriation*, that is, without the obligation of hearing Mass, and abstaining from servile works, it yields to other doubles of the second class which are primary. Of course, when transferred with the *feriation*, its present day is still the Monday after Low Sunday, no matter what feast may occur on that day.

D. O'LOAN.

## Documents

### CONSTITUTION OF POPE LEO XIII. FOR CHURCHES OF THE EAST

SANCTISSIMI DOMINI NOSTRI LEONIS DIVINA PROVIDENTIA PAPAE XIII.  
LITTERAE APOSTOLICAE DE DISCIPLINA ORIENTALIUM CONSERVANDA ET TUENDA

#### LEO EPISCOPUS

SERVUS SERVORUM DEI AD PERPETUAM REI MEMORIAM

Orientalium dignitas Ecclesiarum, pervetustis rerum monumentis eisque insignibus commendata, magnam habet toto christiano orbe venerationem et gloriam. Apud illas enim, inita benignissimo Dei consilio humanae redemptionis primordia, celeriter ad ea properavere incrementa, ut laudes apostolatus et martyrii, doctrinae et sanctitatis primo honore floruerint,

primam saluberrimorum fructuum laetitiam ediderint. Ex illis autem perampla beneficiorum vis in ceteros late populos mire profluxit; quum beatissimus Petrus, princeps apostolici ordinis, multiplicem erroris vitique pravitatem disiecturus, lumen veritatis divinae, evangelium pacis, Christi libertatem in dominam gentium urbem caelesti numine intulit. At Ecclesiis Orientalibus Romana potissimum, ecclesiarum omnium caput, sane quantum honoris et caritatis inde a memoria apostolica tribuere consuevit et quam fideli obsequio vicissim lactari; easdemque, per varia deinde atque acerba tempora, nequaquam ipsa destitit, providentia et benefactis, a iacturis erigere, devinctas retinere, revocare discordes. Neque ultimum illud fuit vigilantiae officium, ut proprias cuiusque orientalis gentis consuetudines sacrorumque rationes, quas pro potestate et sapientia sua legitimas edixisset, integras in eis perpetuo custodiret ac tueretur: cuius rei documento multa sunt quae Decessores Pontifices, cum primis Pius IX fel. rec., vel suis ipsi actis vel per sacrum Consilium christiano nomini propagando prudentissime censuerunt. Non minore permoti Nos adductique studio, sub ipsa pontificatus initia, ad christianas Orientis nationes oculos peramanter convertimus. Maturavimus quidem conferre curas ad earum allevandas necessitates, aliasque sumus deinceps occasiones nacti actuosae benevolentiae testandae: sed nihil profecto antiquius sanctiusque fuit neque est, quam animis cum Sede Apostolica obstrictis, adeo in eis ardorem excitare et fecunditatem fidei, ut ad maiorum excellentiam et laudem exemplis renovatis nitantur.

Iam licuit aliquot adiumenta Ecclesiis illis afferre. Collegium hac ipsa in Urbe clericis Armenis et Maronitis instituendis, itemque Philippopoli et Hadrianopoli pro Bulgaris, condidimus; Athenis Leonianum condendum decrevimus; etiam seminario sanctae Annae, quod Hierosolymae, cleri Graeci Melchitae educendi causa, coeptum est, maiorem in modum favemus. In eo praeterea sumus ut Syrorum numerum in alumnis Collegii Urbaniani augeamus; utque Athanasianum Graecorum ad pristinum restituamus institutum, quod Gregorius XIII, munificus auctor, sapienter voluit, unde viri extiterunt clarissimi. Plura vero in hoc similique genere experiri Nos atque efficere posse, eo nunc vehementiore voluntate exoptamus, postquam, aspirante Deo, consilium iamdiu meditatum perfecimus appellandi singulari epistola principes et populos universos ad felicem fidei divinae unitatem. Nempe inter christianas gentes calamitose divulsas.



primo loco Orientales vocare, adhortari, obsecrare contendimus, quanta maxima potuimus apostolica et paterna caritate. Inchoatam spem quotidie magis foveri periucundum accidit Nobis, certumque est, opus tam salutare enixius insistere; ut, quidquid ex Apostolicae Sedis providentia expectari possit, admodum expleamus, quum submovendis simultatis vel suspicionis causis, tum optimis quibusque reconciliationis praesidiis admovendis. Praestantissimum id esse existimamus, ad incolumitatem disciplinae Orientalium propriae, cui valde semper tribuimus, animum curasque adiacere. Qua in re iam Nos clericorum ephebeis earum gentium proxime conditis hanc etiam dedimus praescriptionem, dabimus eandem condendis, ut maxima religione ritus colant et observent suos, in eisque cognitionem usumque alumni capiant. Siquidem in rituum orientalium conservatione plus inest quam credi possit momenti. Augusta enim, qua varia ea rituum genera nobilitantur, antiquitas, et praeclaro est ornamento Ecclesiae omni, et fidei catholicae divinam unitatem affirmat. Inde enimvero, dum sua praecipuis Orientis Ecclesiis apostolica origo testatior constat, apparet simul et enitet earumdem cum Romana usque ab exordiis summa coniunctio. Neque aliud fortasse admirabilius est ad catholicitatis notam in Ecclesia Dei illustrandam, quam singulare quod ei praebent obsequium dispares caeremoniarum formae nobilesque vetustatis linguae, ex ipsa Apostolorum et Patrum consuetudine nobiliores; fere ad imitationem obsequii lectissimi quod Christo, divino Ecclesiae auctori, exhibitum est nascenti, quum Magi ex variis Orientis plagis devecti *venerunt . . . adorare eum*.<sup>1</sup> Quo loco illud apte cadit animadvertisse, quod sacri ritus, tametsi per se instituti non sunt ad dogmatum catholicorum evincendam veritatem, eadem tamen viva propemodum exprimunt, splendideque declarant. Quapropter vera Christi Ecclesia, sicut magnopere studet ea custodire inviolata quae, utpote divina, immutabilia acceperit, ita in usurpandis eorumdem formis nonnumquam concedit novi aliquid vel indulget, in iis praesertim quae cum venerabili antiquitate conveniant. Hoc etiam modo et eius vitae nunquam senescentis proditur vis, et ipsa magnificentius Christi sponsa excellit, quam sanctorum Patrum sapientia veluti adumbratam in effato agnovit davidico *Astitit regina a dextris tuis in vestitu deaurato, circumdata varietate . . . in fimbriis aureis, circumamicta varietatibus*.<sup>2</sup>

<sup>1</sup> Matth. ii. 1-2.<sup>2</sup> Ps. xlv.

Quoniam igitur haec rei liturgicae disciplinae orientalis iure probata varietas, praeter ceteras laudes, in tantum decus utilitatemque Ecclesiae convertitur, eo non minus pertineant muneris Nostri partes oportet, recte ut sit consultum, ne quid incommodi imprudenter obrepat ab occidentalibus Evangelii administris, quos ad eas gentes Christi caritas urgeat. Rata quidem permanent quae in hoc Benedictus XIV., Decessor Noster illustris, sapienter provideque decrevit per Constitutionem *Demandatam*, in forma epistolae, die datam xxiv Decembris anno mdccxliii, ad Patriarcham Antiochenum Graecorum Melchitarum omnesque eiusdem ritus Episcopos eidem Patriarchae subiectos. Verum, aetatis decursu non brevi, novatis per ea loca rerum conditionibus, atque latinis Missionariis Institutisque ibidem multiplicatis, factum est ut peculiare quaedam Apostolicae Sedis curae in eadem causa exposcerentur: quod certe per opportunum fore, crebra per hosce annos occasione Nosmetipsi cognoramus, et desideria aequissima confirmaverant Venerabilium Fratrum in Oriente Patriarcharum, non semel ad Nos delata. Quo autem totius negotii apertius pateret summa, aptioresque providendi rationes definirerentur, eosdem Patriarchas haud ita pridem in Urbem advocare placuit, quibuscum communicarem consilia. Tum eos, una cum nonnullis Dilectis Filiis Nostris S. R. E. Cardinalibus, coram ad deliberandum frequenti congressione habuimus. Iis autem rebus omnibus, quae communiter propositae et agitatae sunt, meditate perpensis, induximus animum certa quaedam eiusdem Benedictinae Constitutionis praescripta, congruenter novis earum gentium temporibus, explicatiora facere et ampliora. In quo praestando, hoc tamquam principium ex ipsa deprompsimus, sacerdotes nempe latinos eo tantum consilio ab Apostolica Sede in illas regiones mitti, ut sint Patriarchis et Episcopis *in adiutorium et levamen*; cauto propterea *ne utendo facultatibus sibi concessis, eorum iurisdictioni praeiudicium inferant et numerum subditorum imminuant*:<sup>1</sup> ex quo perspicuum extat quibus legibus officia eorundem Latinorum ad Hierarchiam Orientalem sint temperanda.

Itaque rerum capita quae sequuntur visa sunt in Domino praescribenda et sancienda, ut facimus, Apostolica fulti auctoritate; iam nunc declarantes velle Nos atque edicere ut eadem Benedictina decreta, quae de Graecis Melchitis primitus data sunt, fideles omnes cuiusvis in Oriente ritus universe attingant.

<sup>1</sup> Const. *Demandatam*, n. 1.

I. Missionarius quilibet latinus, e clero saeculari vel regulari, qui orientalem quempiam ad latinum ritum consilio auxiliove inducat, praeter *suspensionem a divinis* quam *ipso facto* incurreret, ceterasque poenas per eandem Constitutionem *Demandatam* inflictas, officio suo privetur et excludatur. Quae praescriptio ut certa et firma consistat, exemplar eius patere vulgatum apud Latinorum ecclesias iubemus.

II. Ubi desit proprii ritus sacerdos cui Patriarcha orientalis mandet spiritualem suorum administrationem, ibi eorum curam suscipiat Parochus alieni ritus qui easdem atque ipsi species, azymum vel fermentatum, ad consecrandum adhibeat; anteferatur qui eas adhibeat ritu orientali. Fidelibus autem sit facultas communicandi utrovis ritu, non eis tantummodo locis ubi nulla ecclesia nec sacerdos sui proprii ritus habeatur, prout a sacro Consilio christiano nomini propagando decretum est die xviii augusti anno mdcccxciii, verum etiam ubi propter longinquitatem ecclesiae suae, non eam possint, nisi cum gravi incommodo, adire: de quo Ordinarii esto iudicium. Idque fixum resideat, eum qui alieno ritu vel diu communicaverit non propterea censendum mutasse ritum, sed in ceteris officiis omnibus perseverare Parocho suo addictum.

III. Sodalitates Religiosorum latinae, quae iuventuti instituendae in Oriente dant operam, si quo in collegio alumnos ritu orientali non paucos numerent, sacerdotem eiusdem ritus, Patriarcha consulto, apud se habeant ipsorum commodo alumnorum, ad missae sacrificium, ad sacram synaxim, ad catechesim patria lingua impertiendam ritusque explicandos; aut saltem diebus dominicis ceterisque de praecepto occurrentibus festis talem sacerdotem arcessant, ea officia praestitutum. Quam ob causam eisdem Sodalitatibus quaevis privilegia, etiam speciali mentione digna, quibus gaudeant ut alumni orientalis ritus, quamdiu in collegiis ipsarum degant, latinum sequantur, adempta esse omnia edicimus: de ritualibus autem abstinentiis servandis moderatores cum religiosa aequitate videant. Item alumnis externis prospiciatur: quos ad proprias ipsorum ecclesias seu curias remitti aut perducere oportebit, nisi videatur eos cum internis ad eiusdem ritus officia admittendos.

IV. Eadem praescripta transferenda sunt, quoad fieri possit, ad Religiosarum Sodalitates, puellis educandis in asceteriis scholisque deditas. Quod si qua immutatio per tempore et res opportuna inciderit, ea non ante fiat quam Patriarchae consensus accesserit et venia Apostolicae Sedis.

V. Nova, ritu latino, iuventutis collegia vel domus Religiosorum utriusvis sexus ne in posterum aperiantur, nisi Apostolica Sede rogata et consentiente.

VI. Presbyteris tum latinis tum orientalibus, neque in suis, neque in alieni ritus ecclesiis, fas est quemquam absolvere a casibus qui suis cuiusque Ordinariis sint reservati, nisi facultate ab iisdem permissa: qua in re quodvis privilegium, vel speciali mentione dignum, prorsus revocamus.

VII. Orientalibus qui ritum latinum, etiamsi ex pontificio rescripto, susceperint, revertere ad pristinum Apostolica Sede exorata, licebit.

VIII. Mulieri latini ritus quae viro nupserit ritus orientalis, aequae ac mulieri orientali quae nupserit latino, integrum erit ut ad ritum viri, ineundo vel durante matrimonio, transeat: matrimonio autem soluto, resumendi proprii ritus libera erit potestas.

IX. Quicumque orientalis, extra patriarchale territorium commorans, sub administratione sit cleri latina, ritui tamen suo permanebit adscriptus; ita ut, nihil diuturnitate aliâve causa ulla suffragante, recadat in ditionem Patriarchae, simul ac in eius territorium revererit.

X. Nulli, utriusvis sexus, Ordini vel Instituto religioso latini ritus, quemquam orientalem inter sodales suos fas erit recipere, qui proprii Ordinarii testimoniales litteras non ante exhibuerit.

XI. Si qua ex dissidentibus communitas vel familia vel persona ad catholicam unitatem venerit, conditione velut necessaria interposita amplectendi latini ritus, huic ritui remaneat ea quidem ad tempus adstricta, in eius tamen potestate sit ad nativum ritum catholicum aliquando redire. Si vero eiusmodi conditio non intercesserit, sed ideo ipsa communitas, familia, persona a latinis presbyteris administretur quia desint orientales, regrediendum ipsi erit ad ritum suum, statim ut sacerdotis orientalis fuerit copia.

XII. Matrimoniales et ecclesiasticae, quaecumque sint causae, de quibus ad Apostolicam Sedem appellatio fiat, nequaquam Delegatis Apostolicis definiendae, nisi aperte ea iusserit, committantur, sed ad sacrum Consilium christiano nomini propagando omnino deferantur.

XIII. Patriarchae Graeco Melchitae iurisdictionem tribuimus in eos quoque fideles eiusdem ritus qui intra finis Turcici Imperii versantur.

Praeter istas peculiare cautiones atque ex iure praescripta, maxime Nos tenet cura, quod supra attigimus, ut condantur opportunioribus in Oriente locis seminaria, collegia, instituta omne genus, eaque prorsus ad iuvenes incolas ipso ritu patrio formandos in suorum auxilia. Hoc propositum, in quo dici vix potest quanta religioni inhaereat spes, studiose Nos aggredi, prolixisque subsidiis provehere, affluente, ut confidimus, catholicorum ope, deliberatum habemus. Sacerdotum indigenarum operam, quippe et convenientius impensam et cupidius acceptam, multo futuram quam advenarum fructuosiore, paulo fusius est a Nobis monstratum in encyclicis litteris quas dedimus superiore anno de collegiis clericorum in Indiis Orientalibus constituendis. Ita porro sacrae iuventutis institutioni semel consulto, profecto studiis rei theologiae et biblicae apud Orientales accrescet honos; vigeat linguarum veterum eruditio aequae ac in recentibus sollertia; doctrinae et litterarum census, quo Patres eorum scriptoresque abundant, in commune bonum, largius proficiet: eo demum peroptato exitu, ut sacerdotii catholici emergente doctrina integrique exempli laude praelucente, propensius eiusdem matris complexum fratres dissidentes requirant. Tum vero si ordines cleri animos, studia, actionem caritate vere fraterna sociaverint, certe, favente, et ducente Deo, dies maturabitur auspiciatissima, qua occurrentibus omnibus *in unitatem fidei et agnitionis Filii Dei*, plene ex eo perfecteque *totum corpus compactum, et connexum per omnem iuncturam subministrationis, secundum operationem in mensuram uniuscuiusque membri, augmentum corporis facit in aedificationem sui in caritate.*<sup>1</sup> Ea nimirum gloriari unice potest Christi vera esse Ecclesia, in qua aptissime cohaereat *unum corpus et unus spiritus.*<sup>2</sup>

Haec universa et singula, quaecumque sunt a Nobis decreta, minime dubium quin Venerabiles Fratres Patriarchae, Archiepiscopi, Episcopi quovis orientali ritu catholici, pro ea qua praestant tum in Cathedram Apostolicam et in Nos pietate, tum suarum sollicitudine Ecclesiarum, omni sint reverentia et obtemperazione suscepturi, idque sedulo effecturi ut eorumdem observantia, ab iis quorum interest, plena consequatur. Copia vera fructuum, quos inde augurari licet et iure optimo expectare, valde ex opera eorum proveniet qui gerunt personam Nostram per Orientem christianum. Delegatis propterea Apostolicis commendatissimum volumus ut illarum gentium tradita a maioribus instituta honore

<sup>1</sup> Eph. iv. 13, 16.<sup>2</sup> Ib. 4.

debito vereantur: Patriarcharum auctoritatem quo par est obsequio colant, colendam curent; atque in officiorum cum eis permutatione, consilium expleant Apostoli; *Honore invicem praevenientes*:<sup>1</sup> Episcopis, clero et populo studiosum ac benevolentem animum probent; eundem plane spiritum in se referentes, quo Ioannes Apostolus agebatur, quum Apocalypsim dedit *septem ecclesiis quae sunt in Asia*, inscripta salutatione: *Gratia vobis et pax ab eo qui est, et qui erat, et qui venturus est*:<sup>2</sup> in omnique agendi ratione sese praestent eos, qui vere habeantur nuntii digni conciliatoresque sanctae unitatis inter Orientales Ecclesias et Romanam, quae centrum eiusdem est unitatis et caritatis. Haec ipsa similiter sentiant, similiter peragant, hortatu iussuque Nostro, sacerdotes latini, quotquot in eisdem regionibus egregios labores obeunt ad sempiternam animorum salutem: religiose in obedientia Romani Pontificis laborantibus, tunc vero dabit Deus ampla incrementa.

Igitur quaecumque his litteris decernimus, declaramus, sancimus, ab omnibus ad quos pertinet inviolabiliter servari volumus ac mandamus, nec ea notari, in controversiam vocari, infringi posse, ex quavis, licet privilegiata, causa, colore et nomine; sed plenarios et integros effectus suos habere, non obstantibus Apostolicis, etiam in generalibus provincialibus conciliis editis, constitutionibus nec non quibusvis etiam confirmatione Apostolica vel quavis alia firmitate roboratis statutis, consuetudinibus ac praescriptionibus; quibus omnibus, perinde ac si de verbo ad verbum hisce litteris inserta essent, ad praemissorum effectum, specialiter et expresse derogamus et derogatum esse volumus, ceterisque in contrarium facientibus quibuscumque. Volumus autem ut harum Litterarum exemplis etiam impressis, manuque Notarii subscriptis et per constitutum in ecclesiastica dignitate virum suo sigillo munitis, eadem habeatur fides quae praesentibus hisce Litteris haberetur ostensis.

Datum Romae apud S. Petrum, anno Incarnationis Dominicae millessimo octingentesimo nonagesimo quarto, pridie calendas decembres, Pontificatus Nostri decimo septimo.

A. CARD. BIANCHI, *Pro.-Datarius*.

C. CARD. DE RUGGIERO,

visa

DE CURIA I. DE AQUILA E VISCONTI.

Loco ✠ Plumbi

Reg. in Secret. Brevium.

I. CUGNONI.

<sup>1</sup> Rom. xii. 10.

<sup>2</sup> Apoc. i. 4.

BRIEF OF THE HOLY FATHER ADDRESSED TO PROFESSOR  
GIACOMO POLETTI, CONGRATULATING HIM ON HIS WORKS  
ON DANTE.

‘Dilecte fili, salutem et apostolicam benedictionem. Fidelem dare operam divino poemati Aligherii nostri illustrando, est nimirum aequae de religione ac de civitate bene mereri. Hoc namque insigni litterarum monumento magna sapientiae copia de divinis humanisque rebus continetur, nondum in lucem prolata omnis: cuius multiplices fructus nullo nec loco circumscribuntur nec tempore. Quarum Nos rerum iamdudum exploratâ praestantia, hoc fore cum munere Nostro et communi ornamento bonoque coniunctum censuimus, si eisdem pariter studiis favere contenderemus: re autem ipsa effecisse Nos aliquid et efficere memoratu iucundum est. Nunc vero inter eos quorum ingenia et sollertia valde Nobis in hoc probantur, etiam tibi, dilecte Fili, peculiare laudis testimonium libet tribuere. Quam enim in te fiduciam habuimus collocatam, quum conditum a Nobis proprium huius generis magisterium tibi credidimus, eam ipse, docendo scribendoque, egregie sustines: id quod luculentius testantur quae nuper dicata accepimus tua eiusdem poematis commentaria. Quo de opere laborioso gaudeas tibi, praeclara conscientia fretus, te quidem et Aligherii gloriae pro virili parte consuluisse et adiumenta optima studiosis eius parasse lectae variaeque doctrinae. Fruere igitur comprobatione et gratia hominum recte existimantium; frui benevolentia Nostra, quam tuus iste elaborandi ardor ampliorem in dies conciliat. Nostris autem coeptis atque expectationi obsecundare sedulo pergens, age ut ipsa summi viri mens et sententia suo in lumine eniteat; eo quoque non mediocriter valitura, ut principiis institutisque christianis sua laus et cultus vindicetur. Neque enim temporibus vehementer afflictis curatio ulla, sicut oportet, profecerit, nisi christianae sapientiae renovata virtute, quae viget perennis ad salutem verique nominis humanitatem vel gignendam in populis vel instaurandam. Iam te, dilecte Fili, muneribus suis confirmet Deus et provehat: cuius voti sit auspex Apostolica benedictio, quam tibi atque tuis paterna caritate largimur.

Datum Romae apud Sanctum Petrum die III Novembris anno  
MDCCCXCIV., Pontificatus Nostri decimo septimo.

LEO PP. XIII.

## SOME OF OUR MARTYRS: FATHER ARTHUR MAC GEOGHEGAN, O.P.

- I. *Coram Rege Roll.*
- II. *Vatican MS. " Passio," etc.*
- III. *The Carmelite Account, Account.*

IN the Ecclesiastical Courts (where the process has commenced which may or may not lead to beatification in the present instance) a great value necessarily attaches to an official document such as the following. It is not only independent testimony, emanating from the highest legal authority in the land, but testimony from a quarter where there certainly was no desire that honours of any kind should ever be paid to the memory of Arthur MacGeoghegan. As a record of the various proceedings in King's Bench, and of the statements made there, it confirms the accounts left to us by those who, according to the Promotor Fidei, might, perhaps, be influenced by their sympathies with the martyr.

The reader will not fail to notice the important admission which this Roll contains, notwithstanding the protest of Thomas Richardson, the Lord Chief Justice:—"That they meddled not with him concerning his religion, but for treason."<sup>1</sup> One of the counts in the indictment, signed by the same Lord Chief Justice, is:—"He did falsely, maliciously, and traitorously conspire, imagine, circumvent, and encompass not only [            ], but also [            ], and to abolish the genuine worship of God, and the true Christian religion established by the All-good and Almighty God in this Kingdom of England." Thus truth will out, even in an indictment. As regards the form of the original, it is almost unnecessary to say that as in all similar documents of the period, scarcely a word in it is written in full. The contractions which were and would be unintelligible to uninitiated readers, have been deciphered and "expanded" by a kind friend, who holds a high position in the Record Office, Dublin.

<sup>1</sup> Mostyn MS., I. E. RECORD, October, 1894, p. 909.



I.—“ ‘CORAM REGE ROLL.’ 9. CHARLES I.—MICHAELMAS—  
‘REX ROLL.’ NO. 31

“Placita coram domino Rege apud Westmonasterium termino Sancti Michaelis Anno regni domini nostri Caroli dei gratia Anglie Scocie Francie et Hibernie Regis Fidei Defensoris &c. nono. Teste T. Richardson, H. Ewen.

“Adhuc de termino Sancti Michaelis Rex.

MIDDLESEX SCILICET

PER INDICTAMENTUM

ISTIUS TERMINI APUD.

“Alias scilicet die Sabbati proximo post tres septimanas Sancti Michaelis isto eodem termino coram domino Rege apud Westmonasterium per sacramentum duodecim Juratorum extitit presentatum quod Arthurus

Grohagan nuper de London clericus, ut falsus proditor contra illustrissimum et christianissimum principem dominum nostrum Carolum dei gratia Anglie Scocie Francie et Hibernie Regem fidei defensorem &c supremum dominum suum, ac ut inimicus publicus ejusdem domini Regis timorem dei in corde suo non habens nec debitum legiance sue ponderans sed instigatione diabolica motus et seductus cordialem dilectionem et veram et debitam obedientiam quam verus et fidelis subditus dicti domini Regis erga ipsum dominum Regem gereret et de jure gerere tenetur penitus subtrahens, ac machinans et maliciose intendens mortem et finalem destructionem dicti domini Regis ultimo die Septembris anno regni dicti domini Caroli nunc Regis Anglie &c septimo ac diversis aliis diebus et vicibus antea et postea apud Lisbonem in Portugallia in partibus transmarinis extra hoc regnum Anglie et in partibus transmarinis predictis false maliciose et proditorie conspiravit imaginatus fuit circuivit et compassavit dictum dominum Regem supremum dominum suum non solum de regali statu titulo potestate et regimine regni sui Anglie penitus deprivare dejicere et exhereditare verum etiam eundem dominum Regem interficere murderare ac ad mortem et finalem destructionem adducere et ponere ac sincerum dei cultum et veram religionem Christianam in regno Anglie dei optimi maximi beneficio stabilitam abolere, ac quod idem Arthurus Grohagan eadem sua nephandissima nequissima diabolica et proditoria imaginationem compassationem conspersionem intentionem et proposita sua predicta maliciose venenose advisate et expresse per eloquia verba et dicta publica et aperta in auditu diversorum subditorum dicti domini Regis prolata predicto ultimo die Septembris anno septimo supradicto apud Lisbonem predictam in partibus transmarinis predictis ex sua diabolica et proditoria mente proditorie utteravit et declaravit dicendo quod si ipse idem Arthurus Grohagan ad dictum dominum Regem venire potuit ipse idem Arthurus eundem dominum Regem interficere vellet. Et ulterius juratores predicti super sacramentum suum predictum dicunt quod ad proditories et proditoria imaginationem compassationem conspersionem intentionem

et proposita sua predicta proditorie perimplendum et performandum idem Arthurus Grohagan postea scilicet ultimo die Julii anno regni dicti domini Regis nunc nono iter suum de Lisbone predicta in partibus transmarinis versus hoc regnum Anglie ad perimplendum et performandum proditorie predictas proditorie venit contra legiancie sue debitum ac contra formam diversorum statutorum in hujusmodi casu editorum et provisorum necnon contra pacem dicti domini Regis nunc coronam et dignitatem suas &c. Per quod preceptum fuit vicecomiti quod non omitteret &c quin caperet eum si &c ad respondendum &c. Et modo scilicet die Veneris proximo post octavas Sancti Martini isto eodem termino coram domino Rege apud Westmonasterium venit Arthurus Grohagan sub custodia Aquilae Wykes generosi custodis prisonae domini Regis de le Gatehouse in Westmonasterio in cujus custodia preantea ex causa predicta commissus fuit virtute brevis domini Regis de habeas corpus sibi inde directi ad barram hic ductus in propria persona sua qui committitur marescallo &c. Et statim de premissis sibi superius impositis alloquutus qualiter vellet inde acquietari dicit quod ipse in nullo est inde culpabilis. Et inde de bono et malo ponit se super patriam. Ideo veniunt inde juratores coram domino Rege apud Westmonasterium die lunae in XV Sancti Martini. Et qui &c ad recognitionem &c quia &c idem dies datus est prefato Arthuro Grohagan sub custodia prefati Aquile Wykes custodis predictae prisonae de le Gatehouse interim commissio salvo custodiendo quousque &c. Ad quem diem coram domino Rege apud Westmonasterium venit predictus Arthurus Grohagan sub custodia prefati Aquile Wicks custodis predictae prisonae de le Gatehouse in propria persona sua qui committitur marescallo &c. Et vicecomes retornat nomina duodecim juratorum. Quiquidem juratores ad hoc impanellati exacti similiter venerunt. Qui ad veritatem de et super premissis dicendum electi triati et jurati dicunt supersacramentum suum quod predictus Arthurus Grohagan est culpabilis de altis proditoribus predictis sibi superius in forma predicta impositis modo et forma prout per indictamentum predictum versus eum superius supponitur. Et quod ipse idem Arthurus Grohagan nulla habet bona seu catalla terras aut tenementa &c. Et statim quesitum est de eodem Arthuro Grohagan si quiddam pro se habeat vel dicere sciat quare curia domini Regis hic ad iudicium et executionem de eo super veredictum praedictum procedi non debeat qui nihil ulterius dicit praeterquam ut prius dixerat super quo Willielmus Noye Armiger Attornatus domini Regis Generalis juxta debitam legis formam fecit versus praefatum Arthuro Grohagan iudicium et executionem super inde predicto domino Rege habendum &c. Et super hoc visis et per curiam hic intellectis omnibus et singulis premissis consideratum est quod predictus Arthurus Grohagan ducatur per prefatum marescallum &c usque ad prisonam mares-

calli domini Regis coram ipso Rege in Southwarke. Et deinde per medium civitatis London directe usque furcas de Tiborne trahatur et super furcas illas ibidem suspendatur et vivens ad terram prosternatur et interiora sua extra ventrem suum capiantur ipsoque vivente comburantur. Et quod caput ipsius amputetur. Quodque corpus ipsius in quatuor partes dividatur, et quod caput et quarteria illa ponantur ubi dominus Rex ea assignare voluerit &c."

TRAHATUR ET  
SUSPENDATUR.

## II.—THE VATICAN MS. "PASSIO "

The following valuable document from the Vatican Archives has neither date nor signature, and the press mark and inscription are merely "B. no. 13, *P. Arthuri Gohagonii Passio*;" but it is evidently written by the Papal Agent in London, if there was one at the time, or by a person who wished to inform Urban VIII. of what had occurred. In the latter case it was probably written by some Irish Dominican, if any accompanied Father Arthur to London, or else by the Vicar of the English Province, Father Thomas Middleton, who had been his superior for the time. The account is similar to others preserved in the Vatican and in the Propaganda. We should like to know the writer's name and position; but it must be said that one of the most chaotic periods of English Catholic history is precisely that extending from 1630 to 1634. The Vicar-Apostolic, Dr. Richard Smith, whose authority was questioned by some of the regular clergy, had left England and returned to Paris in 1629. The Pope then sent an agent to ascertain the true state of affairs, namely, Don Gregorio Panzoni, who accompanied the Nuncio to Paris, and reached London only in 1634. There may have been an ordinary agent during the interval, or Dr. Smith may have had a representative in London whose account of Father Mac Geoghegan's martyrdom (*Passio*) he forwarded to Rome. We saw already that there is an official description of the state of Catholicity in England, dated 1632, preserved in the Propaganda:—

"P. Arthurus a S. Dominico alias Gohagonius, natione Hibernus, ex familia S. Dominici, Londini in Anglia mense elapso passus est, accusatus laesae majestatis. Accusatores testatoresque fuere duo mercatores Angli, qui asserebant dixisse eum velle

se Regem interficere, si unquam in Angliam rediret aut opportunitas daretur. At hanc ille accusationem strenue repulit, ipsos ingratitude appellans utpote summis ab eo, dum in Lusitania essent, beneficiis affecti. Nam cum capti essent in Hispania, navisque eorum mercesque aestimatae ad 20000 aureorum millia fisco addictae, coniectis insuper in carcerem aliquibus nautis ob vehementem suspicionem quod operam navassent Hollando, praefatus Pater gratia qua valebat apud Ducem de Maqueda, eos dimitti mercesque restitui impetravit, facta aliqua sponsione super aliquibus conditionibus ab iis observandis, quas cum ipsi mercatores non observassent, ille gratia locoque quem apud Ducem habuit, excidit. Mirari igitur se aiebat eorum ingratitude qui cum in tanto suo aere essent, sive propter gratiam illis praestitam in Lusitania, sive propter detrimentum acceptum eorum causa, tamen eum injuste ad Regem detulissent, curassentque comprehendi ut proditorem, jamque accusatores et testes ad mortem infamem eum postularent. Accusationem illorum libere rejiciebat, asserens sancteque Deum invocans in testem, nihil tale aut dictum ab eo unquam aut cogitatum, nunquam ei in mentem venisse desiderium interficiendi Regem, imo omnia illi optima omnemque felicitatem cupere, idque precibus ad Deum fuis semper postulasse. His tamen non obstantibus, morti adjudicatus fuit, sive ut Puritanis satisfactum iretur, qui regiam mansuetudinem in Catholicos aegre ferunt, sive ut ex eo exemplo terror incuteretur iisdem Puritanis qui liberrime in suis colloquiis Regi obloquuntur, sive quod alicujus e judicibus aversus ab eodem Patre animus esset, sive demum ut ostenderent judices non se adeo propensos ad Catholicismum ut passim ferebatur. Igitur quo die solet numerosior populus concurrere impositus pro more vimineae crati, supinus trahitur ad locum supplicii, factaque ei licentia loquendi, professus est fidem catholicam in qua dixit se mori velle, cupere quidem Ecclesiae sacramenta, at propter strictam custodiam eorundem summo suo dolore copiam negari, sperare tamen Deum vota accipere. Dein crimen prodicionis diluit, innocentiam suam juramento contestans, obtestansque tribunal illud cui mox sistendus erat, Deumque ipsum cordium scrutatorem ut misericordiam ei omnem denegaret, et nunquam illi peccata sua ignosceret, si objecti sibi criminis vel levissime sibi conscius esset, et non potius semper pro salute regia Deum interpellasset. Post haec et alia Christiani nominis officia, supplicio affectus fuit. Plane verificatum illud: omnis turba eorum qui simul aderant ad spectaculum istud, et videbant quae fiebant, percutientes pectora sua revertebantur. Tantum enim valere hominis morientis verba, solide prolatum de innocentia sua testimonium, ut omnes et eum innocentem crederent, et accusatorum illius iniquitatem, et ut locutio patria habet animarum nigredinem detestarentur. Ex judicibus nonnemo ante eum mortuus est, in ipsa morte professus conscientiae se examine torqueri propter operam positam in praefato Patre ad mortem adjudicando."

## III.—THE CARMELITE ACCOUNT

This as has been already stated was written by the English Vicar-Provincial, Father Eliseus. He was a Scotchman, born at Fraserburg, about 1583, of Protestant parents. his secular name being William Pendryck. He was received into the Church about 1611, in Paris where he was completing his studies. Pendryck became a Carmelite immediately after his conversion. He returned to England as Vicar-Provincial in 1618. From 1624 to 1637 he lived as chaplain to Lord Teymouth at Eltham. Father Eliseus had every opportunity of getting most accurate information about the martyrdom, for he was well known at court, and greatly esteemed by Queen Henrietta Maria, who received the brown scapular from his hands. He is the author of an exposition of the Lord's Prayer in Latin, &c. His narrative of the martyrdom forms part of a letter to Father Simon a Jesu-Maria, the General of the Carmelite Order. The Italian is peculiar, indeed many words have a strong tinge of Spanish.

"Questi iourni passati la persecutione delli Catholici a stata piu stritta per ragione d'un prete Hibernese dell'ordine di St. Dominico, chi la settimana passata fu stato fatto morire per publica iustitia essendo accusato per due testimoni d'haver ditto in Ispaigna che voleva venire in Englittera per matzare il Re, la quell accusatione lui semper negava esser vera, è verisimile che V.R. et altri lá, haveranno diverse relatione di quell fatto, perché mi pareva buono di dare intendere a V. R. come le cose passorno veramente, usando diligenza di sapere la verita quando stava a Londra.

Questo pre fu conventuale in Lisbona nell paese di portugalía, una volta arrivando lá una nave Englise. questo padre intró quella nave et parlando di

For the past few days the persecution of the Catholics has been more violent than usual. The cause of it is, that an Irish priest of the Dominican Order who was executed last week, was accused of having said in Spain that he would come to England to kill the King. He denied the truth of the accusation up to the very last. As it is likely that your Reverence and others there (*in Rome*) will hear different versions, I thought I should tell you how the thing really happened, so when I was in London I took pains to get at the truth.

This priest belonged to a community in Lisbon. An English vessel arrived there, and he went on board one day. While he was speaking to the

molte cose con il patronó cominciorno di parlare di cose della Religione. Toccorno quell punto dell libero arbitrio, il quale il patrono dell nave negava, il pre defendeva dicendo che se il homo non havesse libero arbitrio non haveria culpa ancora che matzasse o facesse qualche sia malo, o cose simile; l'altri marinari stavano auscultando, dopo pochi mese accade che questo pre viene in Inghilterra, et essendo a Londra, trovó un iourno per strada questo patrono Englise, et piglió cognocenza di lui dicendo che lui non le cognosceva havendo mutato l'habito, et non passó altra cosa tra loro due, ma questo patrono dice dopo a questi altri marinari di sua nave d'haver veduto un tale in Londra, due di questi andorno accusare quisto pre innanzi la iustizia (il patrono non li accusó) d'haver ditto che voleva venir in Inghilterra un iourno per mattazare il Re, questo pre è preso per gli officiali et imprigionato per poche settimane, in questo mentre il Ré diede espresso ordine alla iustizia de non lui fare mal alcuno per conto di Religione (ma che se fusse trovato colpevole in altra cosa che la iustizia facesse il debito) cosi fu condannato il 25, di 9<sup>bre</sup> et il 27 fu misso a morte. Arrivando all luogo di supplicio lui faceva tall protestatione della sua innocenzia che havea mai ditto tale parole, et manco pensato, et pregando col tanto fervore per il<sup>1</sup> et la Regina et particolarmente monstrando tanta carita in pre-

captain, the conversation turned on religion, and they began to discuss the question of free will. The captain denied there was any such thing; the priest maintained there was, and remarked that otherwise murder or any similar deed would be no sin, or something to that effect. The sailors were standing by and listening. A few months afterwards the priest came to England, and he happened to meet the captain of the vessel one day in the streets of London. He spoke to him, and said the reason he did not recognise him was because he was not in his habit. Nothing further passed between them on that occasion. The captain afterwards mentioned to his sailors that he had met So and So in London, and two of them then went before the authorities, and deposed (the captain did not do so) that he had said that he would one day come to England and kill the King. The priest was arrested, and kept in prison for a few weeks. The King in the meantime gave the judges express orders that they should not meddle with him on account of his religion; (but if he were found guilty in other respects, that they should do their duty). So he was condemned on the 25th of November, and put to death on the 27th. When he reached the place where the gallows was erected, he made such protestations of innocence, that he had never said those words, nor even thought of such a thing, and he prayed so fervently for the

<sup>1</sup> Re is omitted here

gando per li soi accusatori, in tall modo che il popolo assistente comminciorno a murmurare dicendo che lui era huomo veramente innocente, et adesso tutti pensano che morse innocente, che fu causa che la sua testa et altri membri non fusseron misse supra le porte della citta come soleva fare, cosi Nro. Sig<sup>r</sup> tira il buono del male, Il Re resto molto mal satisfatto di Consiglio et iustitia, cosi resta la cosa fin adesso con rumore d'oigniuno."

(*King*) and Queen, and showed such charity in particular by praying for his accusers, that the people began to mutter that the man was innocent. At present everyone thinks so. This was the reason why his head and quarters were not set up over the gates of the city as usual. Thus our Lord draws good out of evil. The King is seriously displeased with the Privy Council and the judges. Thus the matter rests at present, and everyone is talking about it.

(*To be continued.*)

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## Notices of Books

**THE IRISH SONG-BOOK.** With Original Irish Airs. Edited by Alfred Perceval Graves. New Irish Library Series. London: Fisher Unwin.

THIS long-promised volume of the "New Irish Library" has at last appeared, and we are in a position to express our judgment on its merits. It has already received the encomiums of the daily press, and has been designated as "The National Song-Book," which is destined to eclipse all the existing ones, and leave no room for others. We regret that we cannot share fully in this unqualified praise. Mr. Graves' collection has many merits. From a literary and artistic point of view, it is undoubtedly a great addition to the musical and poetic treasury of Ireland. It contains many gems already known, but also many new ones. Several new songs have been set to old Irish airs, and in some cases, the words which we had been accustomed to associate with certain airs, have been changed, and more suitable ones, as the Editor thinks, adapted to them. We do not think that this latter process has been very successful, and we might mention the case of the words which are set to the beautiful old air of "The Dear Irish Boy," as not being any improvement on the versions which had hitherto been accepted. Leaving aside, however, some slight faults of this description, we venture to think that Mr. Graves' book, *with its present contents*, cannot and never will

be accepted as the national Song-Book of Ireland. In a book put forward in a series intended to educate and charm the Irish public, and purporting to supply a national want, there is, in our opinion, an assumption of Protestant superiority, which was not expected, and which could not be allowed to pass unnoticed, simply because the compiler has the reputation of being a kindly man, whose genial character and liberality of mind are highly commended by those who are acquainted with him. We have in this collection four or five songs dealing with subjects of the most tragic interest to Irish Catholics, and which are now recommended to the youth of the country as worthy of being sung and treasured in every home in the land. The first is on the "Battle of the Boyne," a subject which a man of a liberal turn of mind might have known not to be an agreeable one to his Catholic countrymen. Irish Catholics have suffered too much from the disastrous consequences of that defeat to be able to listen with delight to the Orange flourish of trumpets:—

"Then stoutly we Boyne River crossed  
To give the Irish battle;  
Our cannon to his dreadful cost,  
Like thunder-claps did rattle.  
In majestic mien our Prince rode o'er,  
The stream run red with slaughter,  
As with blow and shout we put to rout  
Our enemies over the water."

We have no objection to Orangemen and Protestants indulging in such sentiments as these in their private re-unions, or even at their public gatherings, but we do decidedly object to have them forced upon the people of Ireland, generally, in what purports to be a "National Song-Book." The "Battle of the Boyne" is not, moreover, an isolated specimen. It is quickly followed by "The Protestant Boys:—

"Great spirit of William! from heaven look down,  
And breathe in our hearts our forefathers' fire;  
Teach us to rival their glorious renown,  
From papist or Frenchman ne'er to retire."

The insinuation of bigotry, intolerance, and error on the part of "Papists," is again implied in the ridiculous chant entitled: "Oliver's Advice," which winds up with the stanza:—

"For 'happy homes,' for 'altars free,' we grasp the ready sword;  
For freedom, truth, and for our God's *unmutilated word*.  
*These, these* the war-cry of our march, our hope the Lord on high,  
Then put your trust in God, my boys, and keep your powder dry."

Those of our readers who are acquainted with Mr. Prendergast's



*Cromwellian Settlement* or with Dr. Denis Murphy's *Cromwell in Ireland*, will be able to realize the audacity of the people who think that the time is ripe for incorporating the victories of Cromwell and of William amongst the glories of Ireland. It reminds us of Voltaire, who, when playing the sycophant before Frederick the Great, spoke of certain cowards who ran away as "flying like the French soldiers before your Majesty at Patay." Another purely sectarian song is the "*Maiden City*," which the great majority of the people of Ireland cannot be expected to adopt as a national lyric. Let Protestants indulge in the refrain of "*No Surrender*" to their hearts' content; but what have Irish Catholics to do with their hymns of victory and triumph? As well might they expect us to return to the politico-religious hymns which Archbishop Whately endeavoured to force upon our children in the early days of the national schools, when the little ones were asked to sing in chorus:—

" I thank the goodness and the grace  
That on my birth have smiled,  
And made me in those Christian days  
A happy *English* child.  
I was not born, as thousands are,  
Where God was never known,  
And taught to pray a useless prayer  
To blocks of wood and stone."

We should be inclined to allow one or two of these ascendancy hymns to pass without comment, but when we find so many of them, and discover, at the same time, that such genuine Irish songs as the "*Croppy Boy*," "*Soggarth Aroon*," &c., are rigidly excluded, the contrast is inevitable. It is quite distasteful to us to have to pass such strictures on a work the artistic excellence of which we fully acknowledge; but, much as we are interested in the progress of Irish literature and Irish art, we do not consider it any part of our duty to herald the victories of Protestantism in the shade either of literature or nationality. We would, therefore, strongly recommend to our readers to be cautious about allowing this work into any library over which they exercise control. If the gentlemen who have charge of this series of books cannot proceed without infringing on the rules that all classes were willing to accept, they cannot expect the support and assistance which the Irish people were asked to give them, and which they would reluctantly withhold. Once the conviction gains that other than purely national objects are aimed at, these books are sure to be rejected. The fault will be with those who depart from the spirit of the original undertaking.

J. F. H.

OCCASIONAL SERMONS AND LECTURES. By Rev. J. M. Kiely,  
Rector of the Church of the Transfiguration, Brooklyn.  
New York : D. Appleton & Co.

THERE is great actuality about this singularly fresh volume of *Sermons and Lectures*. Not recondite questions of history or abstract points of doctrine, but facts, well known books, persons and places that those whom the speaker was addressing might naturally be expected to think and speak about: such are the subjects he has chosen to treat. And his way of treating them is as actual as the subjects themselves. To our mind, indeed, quite a speciality of these discourses lies in the frequent glimpses they afford of life in American cities from the Catholic point of view. Some of these are social vignettes in their way, in a single paragraph, sometime in a passing phrase giving an *étude de mœurs* such as only an American priest who has lived and worked like Father Kiely could think of presenting, and such, it may be added, as all Irish priests who know of intending emigrants would do well to take note of, and turn to account.

For public discourses the style strikes us as rather plain speaking. Decidedly forcible, straightforward, and clear, it seems to us on the whole rather unornate and simple for set utterance to large audiences from either pulpit or platform. Occasionally however, in the Sermons, and notably we have observed in two of the perorations, it rises into real eloquence, exhibiting, moreover, in a marked degree, that peculiar oratorical cadence, akin to the rhythm of verse, which is so natural to Celtic utterance in moods of emotion, and is at all times so pleasing to the Celtic ear; though our colder neighbours for the most part find it painfully unreal. Erin-go-bragh or spread-eagle oratory is their favourite term for "that sort of thing." Yet, even artistically speaking, it is the right sort of thing for oratory at its highest, and the power it exhibits as real and as rare a gift as that of emitting the true lyric cry.

Naturally, to those who first heard them, or are personally acquainted with their author, these discourses have an interest quite foreign to that of the ordinary reader. But for all Irish-Catholics, and particularly for Irish priests, they ought to prove pleasant and profitable reading, if only as showing what takes with at least the church-going classes of our people abroad. We therefore willingly make our own the recommendatory words of Cardinal Gibbons, and trust that "those excellent and practical

discourses which have delighted and edified the author's hearers, will also instruct and entertain the greater audience that had not the pleasure of hearing him.

T. J. O'M.

**SUMMA SYNTAXICA.** Two Volumes. By Fr. Laplana, S.J.  
Freiburg in Baden : Herder.

A SUMMARY of the rules of Latin Syntax with examples, made with a view to the teaching of Latin prose composition. The first volume contains the rules, and numerous well-chosen examples to exemplify them. The second one contains passages from Latin authors, which, according to Father Laplana's intention should be dictated by the professor in the vernacular to his pupils, and retranslated by them into Latin. The professor would then set forth for them a comparison between their compositions and the original Latin. Those selected passages are sometimes simplified, that the pupils may have to attend only to what is necessary for correct Latin expression. Throughout this volume there are numerous references to the rules in the other which are specially exemplified in the particular exercise in question.

The *Summa Syntaxica* is written in Latin, and hence could not well be put into the hands of those beginning the study of Latin composition. But besides making it the common property of all who can speak Latin, the book has another advantage from the language in which it is written, in that its rules are capable of the greatest condensation without sacrificing clearness. Teachers will find that the author has spared no pains to make his book a success in regard to the purpose for which it is intended ; but since, in accordance with this purpose, he has omitted nearly all discussion about the reasons of the Latin constructions, they will not find it so scientific as are many of our Latin Syntaxes.

P. M.

**THE IRISH CATHOLIC DIRECTORY ALMANAC FOR 1895.**  
Dublin : James Duffy & Son. Price 2s. 6d. ; by post 2s. 10d.

WE sincerely congratulate both the Editor and Publishers of this *Directory*, which contains a vast amount of information that in some shape or other must prove not only useful, but almost indispensable to the clergy. In the first place, it supplies a full translation of the Latin "Ordo," giving the most complete direction about the Mass and Office for each day. Then it gives

the names and addresses of all the bishops, priests, and religious institutions in the country and in each particular diocese. The names of the priests, dioceses, parishes, post-towns, &c., are subsequently indexed in alphabetical order. The educational part of the *Directory* is full of useful information for colleges and students as well as for the clergy. It supplies both the civil and religious calendar, with a table of remarkable days and events, the lunar changes in each month, the chronological cycles, the movable feasts, the holidays of obligation and retrenched holidays, fasting days and days of abstinence, a tabulated census of the population of the whole country, and of each province and county, with the percentage of Catholics in each ; statistics of education, of emigration, &c. It contains the Post-Office regulations for letters, books, and parcels, for transmission not only within the limits of these countries, but to foreign countries as well, stamp duties, legacy and succession duties. It gives the railway parcels arrangements also. It supplies a list of Catholic Peers, Members of Parliament, Judges, Privy Councillors, &c. ; an obituary list of the clergy, a most interesting and useful register of the chief ecclesiastical events of the year in chronological order, a register of English and foreign ecclesiastics. The large number of advertisements at the end will not, we imagine, prove the least useful element in the volume. At some time or other churches and convents are sure to require things which are not easily found without the aid of a guide of this description.

**THE ONE MEDIATOR: OR, SACRIFICE AND SACRAMENTS.**

By Father William Humphrey, S.J. Second Edition.  
Revised and Enlarged. London and Leamington: Art and Book Company.

THE title of Father Humphrey's book does not give one a very adequate notion of its subject-matter, for it not only treats of the Sacrifice of the Mass and the Sacraments, but it has chapters also on such interesting doctrinal points as the "Position of Persons outside the Church," the "Created Holiness of Jesus Christ," the "Human Knowledge possessed by Jesus Christ," the "Salutation of Mary as Mother of God," the "Adoration paid to the Sacred Heart," the "Indwelling of the Holy Ghost," and the "Beatific Vision." It views its subjects from the side of speculative theology, rather than from that of positive

theology, and sets forth a great deal indeed of very interesting teaching from speculative theology. In regard to disputed points Fr. Humphrey gives only his own opinion, and this is always one that has the support of some great theologians, though occasionally, as when he states that sub-deaconship and the minor orders confer the character, it is not the most probable.

Father Humphrey's diction and treatment of his subjects require, in the reader, a knowledge of philosophy. The evolution of doctrine from principles is, in general, lucid and fairly satisfactory. We were especially pleased with his chapter on the "Sacrament of Matrimony," in which he shows briefly and forcibly how divorce and polygamy had brought about the degradation of woman before our Lord's coming; how the Christian Sacrament, in restoring to marriage its qualities of unity and indissolubility, restored to woman her lost dignity; how necessary it was that the contract should have the conference of grace attached to it by being made a sacrament; how, in consequence of the identity of the contract with the sacrament, every valid marriage between baptized persons is a sacrament, and it is only the Church that can regulate what is necessary for the due performance and validity of the contract, and it is only she that can try cases regarding such performance and validity, or intrinsically connected with them, &c. Anyone who has an interest in theological subjects, and possesses the knowledge necessary to understand the book, is sure to be pleased with Father Humphrey's little volume.

P. M.

**THE HIDDEN TREASURE: OR, THE VALUE AND EXCELLENCE OF THE HOLY SACRIFICE OF THE MASS, WITH PRACTICAL AND DEVOUT METHODS OF HEARING IT WITH PROFIT.** By St. Leonard, of Port-Maurice, of the Order of St. Francis. New translation by Fr. Jarlath Prendergast, O.S.F. Dublin: James Duffy & Co.

**THE FRANCISCAN TREASURY OF PRAYERS AND DEVOTIONS.** By Fr. Jarlath Prendergast. Dublin: James Duffy & Co.

It affords us much pleasure to bring under the notice of our readers these excellent manuals. The *Hidden Treasure* needs no introduction to the Irish people, seeing that upwards of two hundred thousand copies of it have been sold in Dublin

within the present century. It has lost nothing of its freshness, its beauty, its clearness, its persuasiveness by the lapse of time. It still continues to be at once the simplest, the most instructive, and the most devotional work on the Mass that has yet been compressed into so small a space for the use of the people. The new translation by Fr. Jarlath Prendergast is a great improvement on the old ones. Several passages that had direct reference to Italy are left out altogether, and others are rendered into clearer and more natural English. We have little doubt but that the immense circulation of this admirable little book will be not only well maintained, but doubled and quadrupled as time goes on.

As for the *Franciscan Treasury* it is a perfect repertory of the best prayers of the Church, and although it may be equalled, it is assuredly not surpassed by any other. In addition to the ordinary prayers and devotions, it contains an admirable "Summary of Christian Doctrine," the "Constitution, Rule, and Ceremonial of the Third Order of St. Francis," and "The Little Office of the Blessed Virgin." We ask our readers to judge for themselves, and we are sure they will find these two little book of incalculable use to them in their efforts to nourish piety, to strengthen faith, and to promote all kinds of charitable works amongst their people.

J. F. H.

CARDINAL FRANZELIN, S.J. A SKETCH AND A STUDY.

By the Reverend Nicholas Walsh, S.J. Dublin :  
M. H. Gill & Son. 1895.

THIS is an exceedingly interesting and edifying book, both for ecclesiastics and the general public. Cardinal Franzelin has long been known to priests and ecclesiastical students, all the world over, as the prince of modern theologians. But if we except those who had the honour of his personal acquaintance, or the privilege of hearing him expounding the sacred truths of religion from the professional pulpit, how few had any idea of his charming personal history. To all such Father Walsh's Sketch will be a great boon. He describes for us Franzelin's boyhood, his vocation to the Society of Jesus, his novitiate, his scholasticate, his professorial career, his elevation to the cardinalate, and his last sickness and death. Incidentally, too, we get an account of the origin and history of the famous Gregorian University, and of the German College.

If we have any fault to find with Father Walsh's welcome volume, it is, as we think, the excessive space given at the end of the early chapters to reflections on abstract spiritual truths. We think the moral of the saintly Cardinal's life might have been conveyed in fewer words, so as not to distract our attention from the Cardinal himself, nor to interrupt the continuity of his personal history. We were specially struck by this feature of the book when reading the chapter on the Novitiate. Some of the most beautiful things in the book are the notes taken during the Novitiate, and given in pp. 40-48. They depict for us the working of the living, warm, religious heart under the influence of the Holy Ghost; and they are a powerful appeal to the reader to think and act likewise. We think that these notes might have been left to do their own work; or, at all events, that their application to the different classes of readers might have been pointed out in fewer words, and within a narrower compass.

We have said nothing, however, we think, by way of adverse criticism, which Father Walsh, himself, has not answered by anticipation in his preface. He has given us a most interesting biography of a great theologian and cardinal; but he has also given us a book suitable for spiritual reading. It should be read as such, not hurriedly, but slowly and religiously.

In an age when men, endowed with the greatest intellects, expend their intelligence in trying to resuscitate the errors of the pagan philosophers, and propose no other ideal of human life than a superior animal kind of existence, it is refreshing to read the life of an intellectual giant, whose intellect was always engaged in the study, contemplation, and exposition of truth, and whose heart and will were always in the law of the Lord. We thank Father Walsh for giving us such a life; we congratulate him on the success of his first venture, and we have great pleasure in recommending his *Sketch of Cardinal Franzelin*—in the first place, to priests, ecclesiastical students and converts; and then to the students of our lay colleges, and to the faithful generally.

D. C.

**SHALL WE BE SAVED? ZEAL FOR SOULS. BAPTISM.** By a Missionary Priest. Dublin: James Duffy & Co.

WE are glad to have an opportunity of recommending these most practical and useful little books, which we should like to see scattered broadcast amongst the people in every parish. They

breathe the true spirit of piety, and cannot fail to stimulate all who read them to earnest and sincere consideration of the interest of their souls. The chapters in *Shall We Be Saved?* on "Prayer," on "Perseverance," on "The Sacraments," and particularly on "The Holy Sacrifice of the Mass," seem to us admirably suited to the wants of the people who are busily occupied with the cares of the world, and who have but little time for religious meditation or devotional exercises. A priest who desires to encourage the reading of good and suitable spiritual books amongst his flock could not, in our opinion, do better than secure a supply of these cheap and admirable little works which have the *imprimatur* of his Grace the Archbishop of Dublin, and have already reached a third edition.

J. F. H.

CHANTS FOR THE PROCESSIONS ON THE FEAST OF THE PURIFICATION AND ON PALM SUNDAY, AND FOR THE BLESSING OF THE CANDLES AND THE PALMS. For Four Mixed Voices. By Michael Haller, ap. 45 b. Ratisbon, Coppenrath. Score 0.80 m., Parts 0.20 m. each.

THIS valuable collection contains the *Lumen ad revelationem*, *Adorna thalamum*, and *Obtulerunt* for the Ceremonies on the Feast of the Purification, and the *Hosanna*, *In monte Oliveti*, *Sanctus*, *Pueri*, *Hebraeorum*, *Cum Angelis*, and *Ingrediente* for Palm Sunday. The compositions are in Haller's best style, simple, dignified, and effective. Occasionally a spark of genius breaks forth. Take, for instance, the beginning of the *In monte Oliveti*. The three lower parts begin in subdued harmonies: "*In monte Oliveti oravit ad Patrem.*" On the final chord the soprano sets in, an octave above the alto, with the word "*Pater*" on a sustained swelling note: a magnificent effect, produced by the simplest means—a sign of true inspiration.

H.B.

MISSA IN HONOREM B. M. V. DE LOURDES. For Two Equal Voices, with Organ. By P. Griesbacher, Ratisbon, Pawelek. Score 1.20 m., Parts 0.25 m. each.

MOST of our choirs are confined to equal voices, and two-part compositions are, therefore, of the most practical importance for us. The Mass under review we consider one of the best, if not the best, of all compositions of the kind we know. Griesbacher, a priest of the diocese of Passau, in Bavaria, is one of our most



promising young composers for the Church, and we feel sure that those who perform this Mass will anxiously look out for similar compositions from his pen. The Mass is by no means difficult to sing. The intervals are the simplest possible, the melodies always flowing most naturally. But the choir must be able to sing in the contrapuntal style; that is to say, the two parts must be able to move independently of each other. The organist will find his task a most grateful one.

H. B.

**X. OFFERTORIA:** a Dominica in Septuagesima usque ad Feriam V. in Caena Domini ad quinque voces inaequales auctore *Joanne Petraloysio Praenestino*. (Giov. Pierluigi da Palestrina). Ratisbon, Pustet. Score 1 m., Parts 1.30 m.

PALESTRINA's five-part offertories are justly considered as among the finest compositions of this great master. In Messrs. Breitkopf & Hartel's complete edition they fill the ninth volume. Out of this Dr. Haberl has edited the Offertories for the Sundays from Septuagesima 'till Palm Sunday inclusive, and for Holy Thursday, publishing them in the modern clefs and in proper transposition, and adding marks as to breathing and expression, such as will facilitate the task of conductor and singers. The selection must be pronounced a happy one, for two reasons principally. First, these Offertories are, with the exception of the first and the last, in what corresponds to our modern "major key;" and, consequently, are more readily understood, both by singers and listeners. Secondly, they are intended for a time of the ecclesiastical year when the unfortunate craving of our choirs to sing nothing but compositions with organ accompaniment is less tyrannical. The Offertories are mostly for soprano, alto, two tenors, and bass; only the one for the first Sunday of Lent has two altos, and the one for Palm Sunday two sopranos. We should consider it a great blessing if those of our choirs that are able to sing, would avail themselves of this useful publication, so as to get a taste of Palestrina themselves, and give their congregations a chance of being educated to this superior style of Church music.

H. B.

VIE DE LA RÉVÉRENDE MÈRE ST. EUPHRASIE PELLETIER ;  
FONDATRICE DE LA CONGREGATION DE NOTRE DAME  
DU BON PASTEUR. Par M. l'Abbé H. Pasquier. Paris :  
Lethielleux, 10, Rue Cassette.

THIS work, in two volumes, gives us a most interesting account of the life and labours of Madame Pelletier, who founded the well-known congregation of nuns of the "Good Shepherd." Like the Sisters of Charity, the Nuns of the Sacred Heart, the Little Sisters of the Poor, the Sisters of the Holy Faith, the Sisters of our Lady of Sion, the Little Sisters of the Assumption, the Sisters of our Lady of Good Succour, and so many others, the Sisters of the "Good Shepherd" had their origin in Catholic France, and we learn in these two volumes how, during the life-time and under the guidance of one devoted woman, this most useful and zealous congregation spread all over the known world, through France, Italy, Germany, Austria, England, Ireland, Scotland, the United States, Mexico, Chili, Brazil. Indeed amongst the last foundations which she made were those at Bangalore in India, at Cairo in Egypt, and at Rangoon on the confines of Burmah. There are interesting sketches given of the foundation of the houses of the Order in Ireland, at Limerick, Waterford, New Ross, and Belfast. We suppose that the splendid "Good Shepherd" establishment at Cork was a later foundation, as we do not notice it mentioned. The author pays now and again a graceful tribute to the zeal of the Irish ladies who joined the Order in great numbers, and were always willing to go to the ends of the world in order to carry on the good work. The mission of these devoted nuns was directed chiefly towards the most abandoned and helpless of human creatures; and great indeed must be the merit of that devoted lady and of the friends and benefactors who helped her when she needed help, since she was the instrument not only of rescuing from a life of misery and sin untold multitudes of her sex, but also of bringing them, as our Lord Himself brought Mary Magdalen, under the purifying influence of divine love, to lead a life of prayer and labour and repentance within the consecrated walls of the "Good Shepherd Convents." It is another proof of the infinite charity that lives for ever in the Catholic Church, and which though drawn upon to any extent can never be exhausted. The heroism and utter forgetfulness of self with which those

frail nuns set out upon their mission, often leaving their country and friends and all that they cherished in this world, in order to devote themselves to this work of charity, is well and fully told. In the days when we hear of so many new theories for the regeneration of society, so many philosophic platitudes about remedies for the ills of our time, it is refreshing, consoling, and edifying to read a story of such devotion, such piety, such sacrifice of self, of such genuine benevolence and practical charity as that which is detailed to us in these two volumes.

J. F. H.

**INDIFFERENTISM: OR, IS ONE RELIGION AS GOOD AS ANOTHER.** By the Rev. J. McLaughlin. London: Burns & Oates, Ltd.

WE have noticed more than once this admirable work, and we are not astonished to learn that upwards of thirty thousand copies of it have been already sold. A new edition of it is now for sale with all the Catholic booksellers, and we have no doubt but that it will soon be exhausted. The widespread notice it has received, its recommendations by so many cardinals and bishops, the praise bestowed upon it by the Press of all shades, make it unnecessary for us to do more than call the attention of our readers to the fact that a new edition of it is now at their service. We may add, however, that amongst mixed congregations where there are always some Protestants disposed to listen to the Church, and to open their eyes to the light, Father M'Laughlin's book will be found not only useful but almost indispensable. It does not contain a single word that can give the least offence to Protestants, and its perusal cannot fail to make a deep impression on all who read it, whether Catholics or Protestants.

**LIFE OF THE BLESSED EMILY BICCHIERI, A DOMINICAN NUN OF THE THIRTEENTH CENTURY.** London: Washbourne.

WE have much pleasure in drawing attention to this handsome and interesting little volume, which gives us not only an edifying account of the life of the Blessed Emily Bicchieri, but also a graphic picture of religious life in Italy at the period in which she lived. The Blessed Emily Bicchieri was a near relative of the famous Cardinal of the same name, who acted as Papal

Delegate in England during the reign of King John, and whose memory is still perpetuated in the noble churches and hospitals with which he enriched his native city of Vercelli. We also get a short but valuable sketch of the origin and development of the "Third Order of St. Dominic." But the quiet, holy, devoted life of the saintly nun is the chief feature of the work. Without any very striking characteristics, the life of the Blessed Emily was more like that of an ordinary nun of the present day, and will, we fancy, be read with more interest on that account. Although she herself was the founder of the convent, and had spent her whole fortune, which was very large, in founding and supporting it, she refused, for nearly twenty years, to accept the position of Prioress, to which she was frequently elected, and at last submitted only in obedience to her ecclesiastical superiors. What the head of a religious house should be to those in humbler positions around them, is to be found here, not in the abstract, but in the daily life of this angelic *religieuse*. We are not surprised that the city of Vercelli should feel proud of the Blessed Emily, and make strenuous efforts to secure her canonization. The miracles so well authenticated when her "cause" was examined on former occasions by the Holy See seem to have been confirmed and increased in later times. There is an admirable chapter of reflections on the religious life at the end of the book. For spiritual reading in convents, and boarding schools, where no little difficulty is often felt in finding suitable books, we earnestly recommend this little volume.

#### BOOKS AND PAMPHLETS RECEIVED FOR REVIEW.

*The Watches of the Sacred Passion*, by the Rev. Peter Gallwey, S.J. (3 vols.): London: Art and Book Co. *Le Saint Rosaire de la Très Sainte Vierge; Traduit de l'Allemand du R. P. Esser*, par Mgr. Amédée Curé. Ancien Aumonier de M. le Comte de Chambord. Delhomme et Briquet; Paris: 83, Rue de Rennes. *Short Practical Sermons for Early Masses*, from the German of Rev. G. Wolfgarten, by a Priest of the Diocese of St. Louis, Mo. (2 vols.); Herder: Freiburg-in-Breisgau, and St. Louis, Mo. *Bernadette of Lourdes, A Mystery*, by E. Pouvillon, translated by Henry O'Shea; London: Burns & Oates. *The Catholic and Family Annual for 1895*; Catholic School Book Co.: New York. *Essays*, by Sarah Atkinson, author of the *Life of Mary Aikenhead*; Dublin: M. H. Gill & Son (to be noticed in our next number). *St. Luke's, A Magazine for Clergy, House, and Home*; London; Washbourne. *The Little Flowers of St. Francis of Assisi*, Catholic Truth Society, London.

# THE IRISH ECCLESIASTICAL RECORD

MARCH, 1895

## THE NATURE AND EXTENT OF INSPIRATION

IN the January number of the I. E. RECORD we set forth what the Church has *defined* regarding the inspiration of the Bible; and from the Church's definition we endeavoured to conclude what is the nature of inspiration. We saw that it may be defined to be a supernatural influence exerted upon certain men by God which illumined their intellects, moved them to write, and so guided them while writing that they could not err, and that they wrote precisely the truths which God wished them to write. We wish now to call the reader's attention to two erroneous theories on inspiration noticed and rejected by the Vatican Council.<sup>1</sup>

According to one of these theories, a book may be said to be inspired, though written by man in the ordinary way, without any special assistance from God, provided it be afterwards approved by the Church. This is what is sometimes known as the theory of *subsequent* inspiration, and there were Catholic theologians who held that it is only in this sense that some of the books of our Bible can be said to be inspired. Now, even if we had not the authority of the Vatican Council to guide us, it is plain that we could not

<sup>1</sup> "Eos vero (libros) Ecclesia pro sacris et canonicis habet, non ideo quod sola humana industria concinnati, sua deinde auctoritate sint approbati, nec ideo dumtaxat quod revelationem sine errore contineant." (*De Recl.*, cap. ii.)

accept this theory ; for obviously the approval of the Church could not make what is only the word of man become the word of God. Nor would the approval even of God Himself make such a book inspired. No doubt, if God approved it, the truths contained in it would then be an object of faith to all aware of the Divine approval ; but still the book would not have been written under the inspiration of the Holy Spirit, would not have God for its Author, and would not be a canonical book in the sense in which the Vatican Council declared all the books of our Bible to be canonical : " that, written under the inspiration of the Holy Ghost, they have God for their Author." <sup>1</sup>

The other theory rejected by the Council is commonly known as the theory of *concomitant* inspiration. According to its patrons, God contributed nothing positive towards the writing of the sacred books ; His part in the work was merely negative : to guard the sacred writers from error. Jahn, the most celebrated advocate of this view, distinctly says of inspiration, that " it supplies no new thought to the writer, teaches him nothing, but merely prevents the admixture of error with the things he already knows." <sup>2</sup> Now, it is surely obvious that a book written with such negative assistance from God could not be said to have God for its Author ; it would be only the word of man aided by God, and would have less claim to be considered inspired than the dogmatic decrees of a General Council.

Before quitting the subject of the *nature* of inspiration, we may remark that it does not seem to be essential to inspiration that the sacred writers should have been always aware

<sup>1</sup> The above theory has been sometimes ascribed to Bonfrere and to Lessius, but erroneously ; for, though Bonfrere, indeed, held that a book written by man without any special aid, and afterwards approved by God, would be truly the word of God, yet he distinctly states that he does not suppose any of the Canonical Books to have been actually written in that way : and Lessius, though he considered divine aid unnecessary to the human agent *while writing*, always held the necessity of a divine impulse to write (*Collectio Lucens. Concil., recent*, p. 139.) Hence the views of these distinguished men, though erroneous, must not be confounded with that rejected by the Vatican Council, and explained above.

<sup>2</sup> Jahn's words are : " Nullas novas cogitationes suppeditat scriptori, nihil eum docet, sed tantummodo impedit immixtionem errorum in iis quae jam novit."

that they were inspired. Whether, as a matter of fact, they were, in any case, unaware of their own inspiration, is another question, and cannot be answered with certainty. In cases where they wrote what was already known to them by natural means, nothing forbids us to suppose that they may have been ignorant of their own inspiration. But, with all deference, we fail to see the force of the argument in favour of this view which Cardinal Newman advances in an article on inspiration published in *The Nineteenth Century*, 1884.

“And again [he writes] how can a man whose hand is guided by the Holy Spirit, and who knows it, make apologies for his style of writing, as if deficient in literary exactness and finish? If, then, the writer of Ecclesiasticus, at the very time that he wrote his Prologue, was not only inspired, but conscious of his inspiration, how could he have entreated his readers to ‘come with benevolence,’ and to make excuse for his ‘coming short in the composition of words’? Surely, if at the very time he wrote he had known it, he would, like other inspired men, have said, ‘Thus saith the Lord,’ or what was equivalent to it.”

We fail, as we have said, to see the force of this argument, and we call attention to it in no spirit of idle criticism, but because it shows the necessity of remembering the distinction upon which we dwelt at length in our former Article, and which must never be lost sight of, between the *sense* and *style* of the Sacred Books. Bearing in mind that distinction, we can quite understand how the writer of Ecclesiasticus, though aware of his inspiration as to the *sense* of his writing, might still apologize for the shortcomings of his style. And while thus apologizing for his style, he might, at the same time, to use the Cardinal’s own words, have said in reference to the sense, ‘Thus saith the Lord.’ While, however, we see no argument in the language of the writer of Ecclesiasticus or of the Second Book of Machabees (ii. 26, 27) that those writers were unaware of their inspiration, still we think it quite possible that in them and others such was sometimes the fact.

Nor is it of the essence of inspiration that the human

writers should have always understood the higher and divine sense of their words:—

“There is no difficulty in supposing that the Prophet Osee, though inspired, only knew his own literal sense of the words which he transmitted to posterity, ‘I have called My Son out of Egypt,’ the further prophetic meaning of them being declared by St. Matthew in his Gospel. And such a divine sense would be both concurrent with and confirmed by that antecedent belief which prevailed among the Jews in St. Matthew’s time, that their sacred books were in great measure typical, with an evangelical bearing, though as yet they might not know what those books contained in prospect.”<sup>1</sup>

It is, indeed, the common opinion that we are not bound to hold the sacred writers always knew the higher sense of their words which was intended by God.<sup>2</sup>

And now at length we come to treat of the *extent* of inspiration, a question so difficult and so delicate that we approach it not without serious misgivings. All the books of our Bible, *and all their parts*, are defined to be inspired; and so much every Catholic is, of course, bound to believe. But now comes the important question—*how far* are they inspired? To answer this question will be the object of the remaining portion of this Article.

And, first, we beg the reader to bear in mind that what we shall say on this subject has reference to the original texts of the Sacred Scriptures as they proceeded from the hands of the sacred penmen. Nobody claims that the Hebrew, or the Greek, or the Vulgate text, has come down to us free from all errors. The Vulgate, indeed, is *substantially* correct, and, in all, matters of faith and morals, truly represents the original; but all admit that even the Vulgate contains errors on matters of minor importance; and in some cases where those errors occur, the sense expressed in the Vulgate may not be the inspired sense expressed in the original. It is not, then, in regard to any

<sup>1</sup> Cardinal Newman, “On the Inspiration of Scripture,” *Nineteenth Century*, 1884.

<sup>2</sup> “Fatemur potuisse eos non semper intelligere quam late se porrigeret protenderetque res a se scripta, v.g., non scivisse fortasse quarum personarum rerumve futurarum personae aut res quas memorabant figurae essent.” (Senapin, *De Dic. Scripturis*, 1893.)



existing text of the Sacred Scriptures that we inquire how far inspiration extends, but in regard to the *original* text as it proceeded from the hands of the inspired writers.

Some, who are not familiar with this subject, may imagine that, after the decrees of the Councils of Trent and the Vatican, no Catholic should dare to raise the question of the extent of inspiration; they may suppose that, because all the books of the Bible, *and all their parts*, have been defined to be inspired, every Catholic is, therefore, obliged to hold that inspiration extends to every smallest part and tittle. Hence it is necessary, at the outset, to understand what the Councils intended, in declaring *all the parts* of the canonical books inspired.

Now, the Council of the Vatican on this matter merely followed the Council of Trent, from which it borrowed the phrase "all the books and all their parts." This is proved beyond question from the Acts of the Vatican Council.<sup>1</sup> Hence, we must try to discover what meaning attached to the phrase, "all the books and all their parts," in the minds of the fathers of the Council of Trent:—

"In the original draft of the (Tridentine) decree, the concluding words ran as follows:—'If anyone violate these same

<sup>1</sup> In the *Relatio* of the Primate of Hungary on the "schema" proposed to the fathers in the Vatican Council (which "schema" with unimportant alterations of one or two words remains unchanged in the decree regarding inspiration), he says: "Quidnam hoc in capite statuatur et quid in canone, ex adnotationibus patet; patet nimirum quod in hoc schemate nihil novi de inspiratione dicatur et quod Deputatio nihil novi in specie dicere voluerit, sed liberum reliquerit scholis disputare de modo inspirationis et, ut scholæ loquuntur, de extensione inspirationis." And, again, in the statement made by Franzelin, who was consultor to the Theological Commission of the Council, he says, speaking of an objection raised against the Vatican "schema," on the ground that it declared the *parts* of Scripture inspired:—"Altera difficultas erat, quod . . . videatur inspiratio extendi ad singulas particulas ac ipsa verba s.s. librorum, quando damnatur, si quis vel integrum vel ex parte librum divinitus inspiratum esse negaverit. At primum notio inspirationis declaratur juxta formulam ecclesiasticam ita ut Deus sit auctor Scripturarum seu librorum sacrorum . . . Quod vero ad extensionem inspirationis spectat, diserta appellatione ad Conc. Tridentinum significatur, eas partes credendas esse inspiratas, quas Tridentinum definivit esse *sacras et canonicas*. Quaestiones vero hactenus inter Catholicos controversae de sensu, quo *partes librorum* in Tridentino decreto intelligendae sint, nec definiuntur nec attinguntur. Quoad extensionem ergo inspirationis nihil omnino definitioni Tridentinae superadditur." (*Collect. Lacens. Concil. recent.*, pp. 86, 1621.)

books and the aforesaid traditions, let him be anathema.' The attention of the fathers was, however, fixed on certain doubtful fragments of the Gospels, such as the concluding verses of St. Mark (xvi. 9-20), St. Luke's account of the bloody sweat of our Lord (xxii. 43, 44), and the passage of St. John, concerning the woman taken in adultery (viii. 1-11). In the General Congregation of March 27th, Cardinal Pacheco proposed that these passages should be expressly named in the decree. The commission charged with drawing up the *schema*, or draft, however, was opposed to any alteration, and the cardinal's proposition was rejected. A further question was raised in the Congregation of April 1st, whether it would not be well, so as to put an end to all doubt, to indicate in the decree the number of chapters contained in each Gospel. Such an expedient seemed, upon consideration, to be quite useless, as it was pointed out that the inspiration of the doubtful passages might still be called in question. The proposition was accordingly negatived. However, between the Congregations of April 1st and 5th, the draft of the decree was taken in hand, and altered so as to run as follows:—'If anyone refuse to receive as sacred and canonical these same books, as they are read in the Church, and despise the aforesaid traditions, let him be anathema.' This redaction was criticized by the Cardinal of Trent, who said, in substance, that, whereas their object was for the future to put an end to all doubts on the subject of the fragments, which had been under discussion, by this decree they would seem to be receiving only parts of the Gospels; those, namely, which were read in the Church. His contention was approved, and accordingly the words of the draft were again changed, so as to run as they do in the official decree, and the faithful were ordered to receive as sacred and canonical all the books of Scripture, *with all their parts*."

"From the nature of these preliminary proceedings, it is clear that the words of the Council of Trent, to which we refer, were introduced into the decree with a view to safeguarding certain disputed passages in the Gospels; still, of course, they cannot be restricted to these passages merely, but refer, as says M. Loisy, to all notable passages of Scripture. 'The Council certainly understands [he writes (*Histoire du Canon du Nouveau Testament*, page 262)] by the word "parts" notable portions of Scripture, such as are the three fragments, which had attracted its attention.'"<sup>1</sup>

From these proceedings it seems perfectly plain that the fathers of the Council of Trent did not intend to define the

<sup>1</sup> Canon Howlett, O.S.B., M.A., in the *Dublin Review*, July, 1898, where he says that he follows in this paragraph Theiner's *Acta Authentica*, a work which we have not at hand.

canonicity or inspiration of every statement, much less of every word, of Scripture. If further evidence be necessary on this point, we have it in the object which the Council had in view. The Council of Trent directed its decree against the Protestant errors of the time. Now, the Protestants of that time not only did not restrict, but so enlarged the extent of inspiration as to include not merely every statement, but even every word and every syllable of Scripture. But the Protestants did hold that certain books of the Old Testament and certain fragments of the Gospels are not Scripture, and ought not to be received as canonical, and it was against this error that the decree and canon of Trent were directed.<sup>1</sup>

It seems clear to us, then, that the Council of Trent did not define the inspiration of every statement of Scripture; and, as we have shown already, the Vatican Council added nothing on this matter to the teaching of Trent. Nor can any other Ecumenical Council be shown to have defined anything on this question. It follows, therefore, that, so far as regards the definition of any Ecumenical Council, we are perfectly free, within certain limits, to raise the question of the *extent* of inspiration. Nor has any Pope, speaking *ex cathedra*, declared the inspiration of every smallest statement of Scripture. Now, the only other source from which an obligation binding our faith could come, is the *ordinarium et universale magisterium* of the Church;<sup>2</sup> that is, the teaching of the fathers, the consent of theologians, and the belief of the faithful. Moreover, from this latter source no obligation binding our faith can arise, unless the inspiration of every statement of Scripture be set forth, not merely as a probable opinion, but as a doctrine divinely revealed, and to be believed by all the faithful.

<sup>1</sup> Schouppe, in his work on *Dogmatic Theology*, says, speaking of the decree and canon of Trent: "Partes hic intelliguntur ea librorum fragmenta quae, ut caput ultimum [rather pars capituli] Marci, et xviii. [he means xxii.] Lucae deuterio canonica vocantur, et rejiciuntur a Protestantibus adversus quos Tridentini definitio lata est. Non itaque spectat concilii decretum ad quaedam minuta, de quibus disputatur utrum sint menda necne."

<sup>2</sup> Vat. Council, cap. iii., *De Fide*.

Later on we shall see what obligation arises from this source; meantime we may say that we think it does not prevent us from raising the question of the extent of inspiration.

After what we have said regarding the things which we are *bound* to believe, the uninitiated reader might think that he is perfectly free to question or doubt everything that is not of faith. But it would be a great mistake to think so. Nothing can be of faith except what is revealed by God, and it is only as the witness of God's revelation that a General Council, or the Pope, or the consent of the universal Church, can bind our faith. But there are many things not of faith which we are not free to doubt or deny. The twenty-second proposition in the Syllabus of Errors, condemned by Pius IX., states that "the obligation by which Catholic teachers and writers are bound is restricted to those matters which are proposed by the infallible judgment of the Church as dogmas of faith, to be believed by all." Now, it follows from the condemnation of this proposition that the obligation binding Catholic teachers and writers is not confined to those points of doctrine which are *of faith*:—

"It would, indeed, be a fatal error, eminently calculated to lead to the destruction of the habit of faith itself, to suppose that our obligations in this matter were restricted only to things pronounced to be *de fide*. The habit of faith, though not destroyed, may be greatly weakened or wounded in the soul by sins even remotely against the virtue of faith. An opinion, for instance, may not be, strictly speaking, heretical, and yet it may approximate to heresy, or be erroneous or rash. Such opinions, even if held with contumacy, would not be sins of heresy; but they would, according to the common opinion, be sins, at least remotely, against the virtue of faith, and in the end might easily lead to the total destruction of the saving gift."<sup>2</sup>

It follows from what has just been said that, though it be not *heresy*, as we believe it is not, to hold that some statements in Scripture are uninspired, still the further

<sup>1</sup> Dr. Healy, *Reply to Card. Newman's Postscript on Inspiration*, 1884, pages 11, 12.

question may remain : whether, and how far, we are entirely free to hold such an opinion ?

And now having, as it were, cleared the ground for our inquiry, and learned the nature of the Catholic inquirer's obligations, we repeat our question—How far, or to what extent, are the Sacred Scriptures inspired ?

In our previous article<sup>1</sup> we rejected, for reasons there stated, the theory of *verbal* inspiration, and hence our whole inquiry at present regards the matter or statements. How far, then, we ask, is Scripture inspired in its statements, in the sense which it expresses ?

I. We are obliged to hold, every Catholic is obliged to believe, that the Scriptures are inspired in all questions of faith or morals, and in all matters connected therewith. But is it enough to believe this ? Mr. Mivart apparently believes that it is. In an article published in *The Nineteenth Century*, July, 1887, he writes :—

“Now, it is simply unquestionable that, as yet, no decree whatever binds Catholics to regard as inspired anything but such passages as may turn out to have been *scripta propter se* (that is, passages which regard faith or morals); and it is, of course, conceivable that they may consist only of brief sentences scattered at wide intervals through the sacred books.”

Holden, an English theologian of the seventeenth century, and Chrismann, a Franciscan, in the eighteenth century, made the same distinction between matters of faith and morals and other matters in Scripture. But, although they held that inspiration extended only to the former, they expressly denied that any error existed even in the latter. Now, what are we to think of this view, which would confine inspiration to brief sentences scattered at wide intervals through the Bible ? We have no hesitation in saying that such an opinion cannot be held by any Catholic, and we hope that Mr. Mivart, sincere Catholic as he is, has since abandoned it. If the opinion is not heretical, it at least approximates very closely to heresy ; for

<sup>1</sup> I. E. RECORD, January, 1895.

when St. Paul declares (2 Tim. iii. 16) that "all Scripture is divinely inspired," and when the Vatican Council declares all the books of the Bible, and *all their parts*, to be canonical, because, written under the inspiration of the Holy Ghost, they have God for their Author, are we to be asked to believe that the Apostle and the Council meant to declare the inspiration merely of a few sentences scattered at wide intervals through the sacred books ?

II. Every important statement in Scripture, even in matters pertaining to the natural sciences, is inspired. This proposition we consider *certain*, and the denial of it would merit, we believe, some of the censures of the Church. It is the teaching of the fathers and theologians, represents the belief of the faithful, and follows from the defined doctrine that God is the author of the Bible, and of all its parts. No doubt, within the last ten or fifteen years, there have been a few distinguished Catholics who denied the inspiration of Scripture even in matters of importance. Thus, Lenormant, the eminent archæologist, in a work published in Paris, in 1880, denies the inspiration of nearly all the *historical* portions of the Bible. Others, like Rohling, in a work published in 1872, doubt or deny the inspiration of such portions as refer to questions of natural history. More recently still, Salvatore di Bartolo, a Roman doctor of theology and canon law, while apparently admitting a kind of inspiration throughout the whole of the Bible, lays down: "That inspiration is at its *minimum* in matters of the extra-religious order, and that this *minimum* of inspiration does not guarantee the infallibility of the human agent." Monsignor d'Hulst, Rector of the Catholic University of Paris, also gave expression to rather advanced views in an article entitled, "*La Question Biblique*," and published in *Le Correspondant*, January 25th, 1893. But we are happy to say that this distinguished ecclesiastic and scholar has since declared his loyal adhesion to the doctrine regarding inspiration which is laid down by our Holy Father Leo XIII. in the Encyclical on Sacred Scripture, published in November, 1893. If we add to those already mentioned P. Savi, a Barnabite, who wrote in *La Science Catholique*,

March, 1893, that "God did not think proper to remove inaccuracies from the minds of the sacred writers; they remained in their minds, and appear in their writings," we have mentioned almost all the Catholic writers of any note who have held that the Scripture is uninspired in any matter of importance.

Now, we fully appreciate the motives of these writers, and give them credit for the best intentions. Their object was to facilitate the defence of the Bible against the attacks of unbelievers by limiting the area of inspiration, and thus restricting the portions of Scripture which we are bound to defend. An excellent object, surely, but not to be attained by such tactics. It is like fighting an enemy by retreating and leaving him in possession of a great portion of the field of battle. It is to such tactics that Huxley sneeringly refers when he says: "For plenary inspiration we are asked to substitute a sort of inspiration with limited liability, the limit being susceptible of indefinite fluctuation in correspondence with the demands of scientific criticism."<sup>1</sup> However laudable, then, such an object is, it cannot warrant us in abandoning the uniform belief of the faithful, and the common teaching of the theologians and fathers, that the Scriptures were inspired at least in all matters of importance. That teaching is clear and unmistakable, and the higher we ascend along the stream of tradition, the nearer we approach to the sources of revelation, the clearer and stronger it becomes.

We ought always to bear in mind, when discussing this question, that the extent of inspiration, any more than its nature, is not to be decided *a priori*, but must be learned from the Scripture itself and from the tradition of the Church. Catholics, who have attempted to restrict the extent of inspiration to matters of faith and morals, appear to have reasoned themselves into that position by concluding because the chief end of revelation is the guidance of man in matters of faith and morals, that, therefore, only in such matters did God vouchsafe that special divine assistance

<sup>1</sup> Huxley, *Science and Hebrew Trad.*, page 7.

which we call inspiration. But does such a conclusion follow necessarily, even if we had not God's word, and the Church's teaching, to the contrary? Was it not quite possible that, while the chief end God had in view was to instruct the faithful in matters of faith and morals—that is, in matters bearing upon their relations with Himself—was it not quite possible, we say, that, while inspiring the sacred writers on such matters, he inspired them in all other matters of importance of which they treated? And what is thus shown to have been possible, must be held to have been the fact, when we find St. Paul declaring that: “*All Scripture is divinely inspired,*” and the Church defining that all the books of the Bible, *and all their parts*, were written under the inspiration of the Holy Ghost, and have God for their Author.

III. We have seen that every Catholic is bound, under pain of heresy, to believe that the Scripture is inspired in all matters of faith and morals, and that it is the common and certain teaching that it is inspired in all matters of importance. It only remains for us to inquire whether the original texts of Scripture contained any unimportant matters, any *obiter dicta*, to which inspiration did not extend. Many of our readers will remember a controversy on this subject, now more than ten years ago, between the illustrious Cardinal Newman, and the learned Professor Healy, now the distinguished Coadjutor Bishop of Clonfert. In an article which was published in *The Nineteenth Century*, and which attracted widespread attention at the time, the Cardinal gave it as his opinion, that “there does not seem any serious difficulty in admitting the existence of *obiter dicta* in Scripture.” In a postscript, afterwards published in defence of this article against the criticisms of Dr. Healy, the Cardinal explains what he means by *obiter dicta*. They are, according to him, “phrases, clauses, or sentences in Scripture about matters of mere fact, which, as not relating to faith and morals, may without violence be referred to the human elements in its composition.”<sup>1</sup> Again, on page 15

<sup>1</sup> *Postscript on Insp.*, p. 14.



of the *Postscript*, he writes, "*Obiter dictum* means, as I understand it, a phrase or sentence which, whether a statement of literal fact or not, is not, from the circumstances, binding on our faith."<sup>1</sup> And, as examples of such unimportant statements, he refers to what is said of Tobias' dog wagging his tail (Tob. xi. 9), of St. Paul's cloak left at Troas (2 Tim. iv. 13), and to the salutations at the end of the Epistles.

What, then, are we to think of this view? May we hold that the Scriptures, not merely as they have been transmitted to us, but as proceeding from the hands of the inspired writers, contained unimportant statements which were not inspired? First, it is certainly not heresy to hold such a view; and we believe that no censure whatever has at any time been attached to it. Patrizzi, writing on this question, says: "If anyone should deny the inspiration of such passages, I should not dare to condemn him, but neither should I myself dare to deny it."<sup>2</sup> We believe, however, that after the Encyclical of our Holy Father, published in November, 1893, no loyal Catholic will question the inspiration of even the smallest statement of Scripture. There can be no doubt that the teaching of the Encyclical excludes the admissibility of *obiter dicta* in Scripture, of whatever kind soever. After stating that the sacred writers wrote everything that God wished them to write, *and nothing else*, the Holy Father continues: "It follows that whoever imagines that anything false can be contained in authentic portions of Scripture, they surely either pervert the Catholic idea of inspiration, or make God Himself the Author of error. And so all the fathers and doctors were most firmly convinced that the Divine Scriptures, as they proceeded

<sup>1</sup> In his article in *The Nineteenth Century*, the Cardinal seems to have taken *obiter dictum* in a wider sense, for he writes: "By *obiter dicta* I also mean such statements as we find in the Book of Judith, that Nabuchodonosor was king of Ninive." We need hardly say that we have no sympathy with the view which would regard such an historical statement as possibly uninspired, and therefore possibly erroneous.

<sup>2</sup> "Qui negaret, non hunc quidem damnare, sed neque negare ipse illud ausim."—(*De Script. Div.*, 6.)

from the sacred writers, were free from all error of *whatsoever kind*.”<sup>1</sup>

In conformity with this teaching of the Sovereign Pontiff, which is also the teaching of all the fathers, and of practically all the theologians,<sup>2</sup> we contend that every statement of Scripture, as it proceeded from the sacred writers, was inspired; that, consequently, each smallest statement was not merely the word of man, but also the word of God; and hence free from all error. Let us now, to satisfy our minds, examine briefly the chief arguments which have been advanced in favour of the existence of *obiter dicta*. Cardinal Newman states them, with his usual clearness, in the article already referred to.

His first argument is, that as *obiter dicta* are held to exist, and even required, in treating of the dogmatic utterances of Popes and Councils, so they may be compatible with inspiration, and admissible in Scripture.

“Now, it is in favour of there being such unauthoritative *obiter dicta* [says the Cardinal] that, unlike those which occur in dogmatic utterances of Popes and Councils, they are, in Scripture, not doctrinal, but mere unimportant statements of fact; whereas those of Popes and Councils may relate to faith and morals, and are said to be uttered *obiter*, because they are not contained within the scope of the formal definition, and imply no intention of binding the consciences of the faithful. There does not, then, seem any serious difficulty in admitting their existence in Scripture.”

Our reply is, that nobody has ever taught, and the Church has never defined, that the infallible utterances of Popes or Councils are the inspired word of God. In what is formally defined they are, indeed, infallible; but not even

<sup>1</sup> “Nam supernaturali ipse virtute ita eos ad scribendum excitavit et movit, ita scribentibus adstitit, ut ea omnia *eaque sola* quae ipse juberet . . . exprimerent . . . Consequitur, ut qui in locis authenticis Librorum sacrorum *quidpiam falsi* contineri posse existiment, ii profecto aut Catholicam divinae inspirationis notionem pervertant, aut Deum ipsum erroris faciant auctorem. Atque adeo Patribus omnibus et Doctoribus persuasissimum fuit, divinas Litteras, quales ab hagiographis editae sunt, *ab omni omni error* esse immunes.”—(*Encycl. de Studiis S. Script.*, Nov., 1893.)

<sup>2</sup> We abstain from quoting authorities which can be seen in any work dealing with this subject. See especially Dr. Healy's *Postscript in reply to Cardinal Newman*.

then can they be said, strictly speaking, to be inspired. But the Church has defined that Scripture is the word of God; and all the fathers, and almost all the theologians, have held that every smallest statement in Scripture is, in a real sense, the word of God, divinely inspired. In the one case, we have the word of man, guided and directed by God in regard to the matter defined, *and to that only*; in the other, we have the word of God, not restricted to any particular matters, and extending throughout. We do not deny, indeed, that God might have restricted inspiration to matters of faith and morals, in the same way that he restricts the Church's prerogative of infallibility. What we contend is, that He has not done so, else the Church would not have defined that the Scripture is inspired throughout, and the fathers would never have explained this to mean that inspiration extends to every single statement.

Another argument which has induced some people to admit the existence of *obiter dicta* in the original texts of Scripture is thus stated by Cardinal Newman:—

“There is another practical exception to the ideal continuity of Scripture inspiration in mere matters of fact, and that is the multitude of various manuscript readings which surround the Sacred Text. Unless we have the text as inspired men wrote it, we have not the divine gift in its fulness, and as far as we have no certainty which out of the many is the true reading, so far, whenever the sense is affected, we are in the same difficulty as may be the consequence of an *obiter dictum*.”

We answer that we are, indeed, in the same difficulty, but this does not prove the existence of *obiter dicta* in the originals. Since the scope of revelation is the direction of man's belief and actions in reference to God, it is enough to that end that God in His providence and mercy has preserved the Scriptures free from error in matters of faith and morals. And, had He willed it, it might have been sufficient to have inspired the Scriptures to that extent only. But while it has never been held, and never will be, that He is the guardian of the Scriptures to preserve them from error of all kinds, it has been always held and taught in the Church that He is their author. Hence it is that the existence of

errors in the present texts of Scripture is no reason why we should admit errors or *obiter dicta* in the originals.

The only other argument worthy of notice, and, indeed, the only strong argument in favour of *obiter dicta* in Scripture, is that drawn from the alleged contradictions and errors it contains. With such an argument, however, we cannot be expected to deal here; it belongs to the province of the commentator. Let it suffice to reply, in the words of the great St. Augustine:—

“I have learned to pay such reverence and honour to the Sacred Scriptures, that I most firmly believe that none of their authors wrote any error. And if I meet with anything in the Scriptures which seems contrary to the truth, I have no doubt but that either the text before me is corrupted, or the interpreter did not catch the meaning of the original, or I myself do not understand it.”<sup>1</sup>

We are fully alive to the fact that Scripture, as it has been preserved to us, contains many statements which create difficulty, and of which the hypothesis of *obiter dicta* might, in some cases, afford a ready and convenient explanation. Nor are we ignorant that it is the fashion at present, not merely among Rationalists, but among most Protestants and some Catholics, to pity the credulity of those who still believe in the plenary inspiration of the sacred text. Still, despite those difficulties in the *present* text, and despite the danger of our becoming an object of pity to the self-styled “critics,” we feel it our duty to hold with the fathers and doctors of the Church, with the common consent of the faithful, and with our Holy Father Leo XIII., that each and every statement of Scripture was divinely inspired.

JOSEPH MACRORY, D.D.

<sup>1</sup> “Ego eis (libris Scripturae) . . . didici hunc timorem honoremque deferre, ut nullum eorum auctorem scribendo aliquid errasse credam. Ac si aliquid in eis offendero Literis, quod videatur contrarium veritati, nihil aliud quam vel mendosum esse codicem, vel interpretem non assecutum esse quod dictum est, vel me minime intellexisse, non ambigam.” (S. Aug., *De Consensu Evang.*, lib. ii., cap. xii., 29.)

## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### III.—THE LEGAL DEFINITION OF CHARITY

TO bring to a close the treatment of the topics classed under the first head of our general subject,<sup>1</sup> we have now to consider the critical question, What constitutes a "charitable" purpose, in the legal sense of the word?

The sense in which the word Charity is used in English law, is an artificial, and, to a certain extent, an arbitrary one. We may, moreover, safely say that this legal sense of the word is not capable of being expressed in the form of a definition, properly so called. It has rather to be reached through an enumeration of the various objects, or classes of objects, comprised within it. To use the words of a great English judge, Sir William Grant, Master of the Rolls:—"In its widest sense, [the word Charity] denotes all the good affections men ought to bear towards each other; in its most restricted and common sense, relief of the poor. In neither of these senses is it employed in this Court. Here its signification is chiefly derived from the Statute of Elizabeth. Those purposes are charitable which the Statute enumerates, or which, by analogies, are deemed within its spirit and intendment."<sup>2</sup>

The legal definition of Charity has, in fact, been constructed by a series of authoritative judicial inferences from the Statute referred to by Sir William Grant, 43 Eliz., cap. 4.

That Statute was enacted, as its title and preamble declare, for the purpose of establishing a new procedure, "to redress the misemployment of lands, stocks of money, &c., given to Charitable Uses." Enacted for the protection of charitable gifts, it recited, by way of illustration, a number of purposes then recognised as charitable, speaking

<sup>1</sup> See I. E. RECORD, January, 1895, page 1, 2.

<sup>2</sup> *Morice v. the Bishop of Durham*, 9 Ves. 405.

of them as charitable, and treating them as such. But, as to what constituted a legally charitable purpose, this Statute made no change in the existing law: it did not even undertake to define what the law upon this point was. Since its enactment, however, the Courts have always gone upon the principle,—and this has long since passed into settled law,—that those purposes, and those purposes only, are legally charitable, which (1) are mentioned in the Elizabethan Statute, or (2) have an analogy to the purposes that are mentioned in it.

The charitable purposes mentioned in the Statute of Elizabeth are as follows:—

- “Relief of aged, impotent, and poor people ;
- “Maintenance of sick and maimed soldiers and mariners ;
- “Maintenance of schools of learning, free schools, and scholars in universities ;
- “Repairs of bridges, ports, havens, causeways, churches, sea-banks, and highways ;
- “Education and preferment of orphans ;
- “Relief, stock, and maintenance of houses of correction ;
- “Marriage of poor maids ;
- “Supportation, aid, and help of young tradesmen, handicraftsmen, and persons decayed ;
- “Relief or redemption of prisoners or captives ;
- “Aid or ease of any poor inhabitants, concerning payments of fifteens, setting out of soldiers, and other taxes.”<sup>1</sup>

In the illustrative list of charitable purposes thus recited in the Statute 43 Eliz., cap. 4, we have the basis upon which the legal definition of Charity has been constructed by successive judgments of the Courts.

That important Statute has recently been repealed. Its repeal, however, has made no change in the legal definition of Charity. For, in the first place, the Elizabethan Statute was not, in reference to this point, an enacting Statute: it merely indicated what classes of purposes were regarded as charitable by the law, as the law then stood. And, secondly, the recent Statute by which the Statute of Elizabeth has been repealed,—that is to say, the Mortmain and Charitable

<sup>1</sup> See I. E. RECORD for May, 1885, page 281; footnote 1.

Uses Act of 1888 (51 and 52 Vict., cap. 42),—embodies the preamble of the repealed Statute, this being the part of that Statute in which the enumeration of legally charitable purposes is contained.

The Statute 43 Eliz., cap. 4, was enacted for England only. A corresponding Irish Statute was enacted in the reign of Charles I.—10 Car. 1, sess. 3, cap. 1. In matters of detail, there are several points of difference between this and the Statute of Elizabeth. But the differences are unimportant in point of substance; so that the Statute of Elizabeth, and the long train of judicial decisions by which that Statute has been authoritatively interpreted and applied, may be taken as laying down, for Ireland as well as for England, the legal definition of “charitable” purposes. There is but one reservation to be made as to this general statement. It will be fully dealt with in my next paper.<sup>1</sup>

Some legal erudition has been expended upon the point, whether the Elizabethan Statute was of force in Ireland.<sup>2</sup> Decisions of the Irish Courts upon the point are sometimes referred to as conflicting. But there is no real difficulty in the case. We have only to distinguish between the enacting clauses of the Statute and the recital in its preamble. It is from the recital in the preamble that the legal definition of Charity is deduced, and it is only in reference to that recital that we have to do with the Statute at all. But the preamble, or reciting portion, of the Statute was equally an authority in Ireland and in England. For it was merely declaratory of the Common Law, which, as regards this particular matter, is identical in the two countries.

In works of standard authority,<sup>3</sup> the purposes legally recognised as charitable—whether (1) from their being expressly mentioned in the Elizabethan Statute, or (2) from

<sup>1</sup> See the next number of the I. E. RECORD, “On Bequests for Masses.”

<sup>2</sup> See Hamilton, *The Law relating to Charities in Ireland*. Second Edition, pages 6–13.

<sup>3</sup> See Shelford, *On Mortmain*, page 11; and Tudor, *On Charitable Trusts*, pages 2–17.

their general analogy with purposes mentioned in it,—are usually classified under the following heads:—

1. Relief of poverty and distress ;
2. Advancement of learning ;
3. Advancement of religion ;
4. Other general public purposes.

From the following observations, arranged under these four heads, an idea, sufficiently comprehensive and sufficiently definite, can be formed as to what constitutes a charitable purpose in the legal sense of the term.

### § 1. *Relief of Poverty and Distress.*

In this first branch of the subject, the legal sense of the word *Charity* comes nearest to the sense attached to the word by ordinary usage.

Still, however, there is a difference to be noted. A bequest in favour merely of an individual poor person, however extreme his poverty may be, will not on that account be deemed legally charitable. The same is true of a bequest in favour of a number of poor persons, if the bequest is left to them merely as individuals. A bequest for the poor is legally charitable only when there is something to indicate that the testator's motive in the bequest has been, not mere personal kindness towards certain individuals, but a desire to relieve the poor in general, or the poor of a particular class, in view of their poverty.

In illustration of the general principles that underlie this branch of the case, the following instances of bequests for the poor may usefully be considered here :—

#### (a) A bequest for "the poor" generally.

An indefinite bequest of this kind in favour of the poor is clearly charitable.<sup>1</sup> There being no question of individuals, the motive of mere personal kindness towards individuals is wholly excluded.

It may be interesting to add that, in such a case as this,

<sup>1</sup> See Tudor, page 2 ; Tyssen, Chapter 8, "On Gifts for the Benefit of the Poor."



where no provision is made by the testator for the particular application of the fund bequeathed, the fund will have to be applied by the Crown under the sign-manual.<sup>1</sup>

The general principle as to whether the selection of a particular charitable purpose for an indefinite charitable gift is to be made by the Court, or by the Crown, is stated by Lord Eldon, in substance, as follows:—Where the gift is to an indefinite charitable purpose, no particular object being selected, nor any trustees appointed with a power of selection, the particular charitable application of the fund will be made by the Crown, under the sign-manual. But where a particular object of charity is named, or some person is appointed with power of selecting the object of the charity, and a failure occurs under either head, the application of the fund rests, not with the Crown, but with the Court.<sup>2</sup>

(b) Bequests to “the poor of the parish of N. ;” to “the poor members of a particular trade ;” to “poor pious persons of the Methodist Society,” in a particular place.

Bequests of this kind, in favour of the poor of a particular class, even when restricted to those in a particular place, are always recognised as charitable.<sup>3</sup>

(c) Bequests to “poor relations.”

Cases of bequests to poor relations, whether under this, or some similar form of words—such as “poor kindred,” “poor kinsmen and kinswomen,” and the like.—are frequently mentioned in the law-books, and several important principles of law have been laid down by the Courts in reference to them. It may be mentioned incidentally that a number of interesting decisions have been given, fixing the legal interpretation of the word “relations,” or “kindred,” in such cases, and determining the degrees of kinship within which the distribution of the

<sup>1</sup> See I. E. RECORD, February, 1894, page 120.

<sup>2</sup> See Tudor, pages 123, 124 ; Tyssen, Chapter 30, “On Crown Rights by Sign-Manual.”

<sup>3</sup> See Tudor, pages 2, 3 ; Tyssen, Chapter 12, “On Gifts for the Benefit of the Poor.”

bequest has to be confined in various cases that may arise.<sup>1</sup> But this matter lies outside the range of these papers. We have to deal only with the charitable or non-charitable character of such bequests.

An immediate gift,—that is, a gift to be distributed once for all,—to poor relations, is held to be a personal private gift, not a charity. This is so, even when the individual objects of the testator's bounty are not named by himself, but are left to be selected by the executor.<sup>2</sup> But even in the case of an immediate gift to relations, there may be something in the context which the Court will construe as evidence that charity,—not mere personal feeling founded on kinship,—was the prevailing motive of the testator. In such a case, it will treat the bequest as charitable. Thus, in a case frequently cited, a bequest to the testator's poor relations, "and such *other* objects of charity" as the testator should specify, was held to be charitable.<sup>3</sup> This case is the more instructive, as the testator died without specifying any such other charitable objects.<sup>4</sup>

The establishment of a permanent fund for the benefit of poor relations is recognised as charitable. In such a case, the principle of the decision is obvious: the persons who from time to time will share in the testator's bounty being necessarily unknown to him, they must have been regarded by him, not as individuals, but as members of a class.<sup>5</sup>

Where a bequest is to "the poorest" among the testator's relations, it can be charitable only if, upon the construction of the will, the word "poorest" indicates persons really poor: the bequest would not be charitable if it might include those who are merely the least wealthy of a wealthy class.<sup>6</sup>

<sup>1</sup> See, for instance, Jarman, pages 972-979; and Tyssen, Chapter 13, "On Gifts for Poor Relations."

<sup>2</sup> See Tudor, page 4; Tyssen, Chapter 13, "On Gifts for Poor Relations:" Jarman, vol. ii., pages 979, 980.

<sup>3</sup> *Mahon v. Savage* (1 Sch. and Lef. 111).

<sup>4</sup> See Tyssen, page 159.

<sup>5</sup> See Tudor, pages 4, 5; Tyssen, Chapter 13, "On Gifts for Poor Relations:" and Jarman, page 178.

<sup>6</sup> *Ibid.*

§ 2. *Advancement of Learning.*

Under this heading we may take as illustrations the following, all of which have been recognised as legally charitable bequests:—

“To maintain the schoolmaster of the town of N.,” “to build a school;” “to erect a free grammar school;” also, bequests for the foundation of a prize, a scholarship, a fellowship, or the like, in a school, college, or university.

It is in no way necessary that the educational object in question should be for the benefit of the poor exclusively, or indeed that it should be for the benefit of the poor at all. Both in the English and in the Irish Statutes, the advancement of learning stands as a charitable purpose, quite independently of all reference to the poor; and it has always been so considered by the Courts. In one typical case, a gift to a school for the “sons of gentlemen” was held to be charitable. “The institution of a school for the sons of gentlemen,” said Vice-Chancellor Leach, in deciding the case, “is not, in popular language, a charity; but, in the view of the Statute of Elizabeth, all schools for learning are so to be considered.”<sup>1</sup>

It is a principle of law, that no gift for a purpose that is illegal can be recognised in law as charitable. Apart from all questions as to the wisdom, or the rightfulness, of the legal prohibition of particular acts or institutions, the principle is an obviously reasonable one. But down to a somewhat recent date, through the operation of the penal laws against Catholics, this principle had a disastrous bearing upon bequests for Catholic educational or religious purposes. As the law then stood, no such bequest could be held good.

The repeal of the penal laws against Catholics was a gradual process, and a painfully slow one. In 1689, in the first session of the first Parliament of the reign of William and Mary, a Toleration Act, for the relief of Dissenters

<sup>1</sup> See Tudor, pages 5 and 6 : and Tyssen, Chapter 14, “On Gifts for Schools, &c.”

from the established religion, was passed in England, as one of the first fruits of the triumph of the principle of so-called "civil and religious liberty," effected by the Revolution. But it was a Toleration Act for "Protestant" Dissenters only. Catholics,—or as they were then styled in law, Popish recusants,—were rigorously excluded from all share in the protection it afforded. Unitarians also were excluded. But with the exception of Unitarians, all Protestant Dissenters were set free from disability, and their religious, educational, and other charitable trusts thenceforward stood upon the same footing as trusts for similar purposes connected with the established religion.

As for Catholics, so far from the rigour of the penal code against them being in any way relaxed, it was, on the contrary, still further intensified by the addition of many new repressive enactments, throughout the reigns of William and Mary, of Anne, of George I., and of George II., and for many years in the earlier part of the reign of George III.

The first step in the direction of concession was not taken until 1771. It was taken by the Irish Parliament, and it was but a small beginning. The legislative measure in which it was embodied was an "Act to Encourage the Reclaiming of Unprofitable Bogs." This Act<sup>1</sup> recited that there were large tracts of deep bogs in several parts of Ireland, not only unprofitable, but injurious to health from the moisture they gave out into the air of the neighbourhood, and that it "was desirable to encourage" the lower class of people to labour for the reclaiming of them. It was therefore enacted that,—notwithstanding the laws then in force, excluding Papists from holding land on lease,—a Papist should be at liberty, at such rent as should be agreed upon between him and the owner of the soil, to take a lease of not more than fifty acres of such "unprofitable bog," with half an acre of arable land adjoining, as a site for a house. The lease should not be for longer than sixty-one years, and if one-half of the bog so taken was not reclaimed

<sup>1</sup> 11 and 12 Geo. III., cap. 21.

within twenty-one years, the owner could enter and make void the lease. Furthermore, no bog was to be deemed "unprofitable," for the purposes of this Act, if it was less than four feet deep from the surface; and the Act was not to apply at all to bogs situated within a mile of any city or market town.

This first miserable concession of 1771 was followed by the Act of 1774. This Act legalized a new form of oath, enabling Papists to swear allegiance to the Sovereign without abjuring their faith,<sup>1</sup> and it was deemed of vast importance by the Catholics of the time, inasmuch as it formally recognised them as subjects of the Crown.

Then came the Act of 1778, by which Papists were enabled to take leases of lands—other than "unprofitable bogs,"—though not to hold lands in fee.<sup>2</sup> This was followed by the Act of 1782, repealing many of the more barbarous enactments of the penal code, and enabling Papists to hold land in fee.<sup>3</sup> Next came the further Act of the same year, which allowed them to teach school, but for Popish children only, and not without the license of the Protestant bishop of the diocese. This latter Statute expressly enacted that nothing contained in it should be construed to allow "the erection or endowment of any Popish university, college, or endowed school."<sup>4</sup>

The later Acts of 1792 and 1793 were the last of the Statutes passed by the Irish Parliament for the relief of Catholics. The Act of 1792 opened to them the profession of the law; and it also allowed them to teach school without the license of the Protestant Ordinary,<sup>5</sup> required by the Act of 1782. But the Act of 1793 was of far wider scope than any of those that had preceded it.<sup>6</sup> It admitted Catholics to the exercise of the franchise, whether municipal or Parliamentary. As regards education, it enabled them to take degrees in the University of Dublin, and it furthermore

<sup>1</sup> 13 & 14. Geo. III., cap. 35.

<sup>2</sup> 17 & 18 Geo. III., cap. 21.

<sup>3</sup> 21 & 22 Geo. III., cap. 24.

<sup>4</sup> 21 & 22 Geo. III., cap. 62.

<sup>5</sup> 32 Geo. III., cap. 21.

<sup>6</sup> 33 Geo. III., cap. 21.

contained a noteworthy provision enabling them "to take degrees or any professorships in, or to be masters in, or fellows of, any college to be hereafter founded in this kingdom," provided that such college "shall be a member of the University of Dublin, and shall not be founded exclusively for the education of Papists . . . nor consist exclusively of masters, fellows, or other persons . . . on the foundation of such college, being persons professing the Popish or Roman Catholic religion."

As a result of the various restrictions in the Act of 1793, as in those that had preceded it, we find a recital in the preamble of the Act of 1795, for the establishment and endowment of the College of Maynooth,<sup>1</sup> that "by the law" until then "in force in this kingdom," it had not been lawful "to endow any college or seminary for the education exclusively of persons professing the Roman Catholic religion."

The course of remedial legislation in England was even more hesitating. The "Roman Catholic Relief Acts" passed in the last century by the English legislature were two.<sup>2</sup> They were passed, respectively, in 1778 and 1791. The English Acts, however, whilst removing many disabilities, did not, like the Irish Act of 1793, admit Catholics to the Parliamentary or municipal franchise. As regards education, even the Act of 1791 contained a clause providing that nothing contained in the Act should make it lawful "to found, endow, or establish, any school, academy, or college, by persons professing the Roman Catholic religion, within these realms or the dominions thereunto belonging," and also enacting "that all uses, trusts, and dispositions, whether of real or personal property" that had hitherto been "deemed to be superstitious or unlawful," should "continue to be so deemed and taken."

Up to this point, then, and for many years afterwards,—in England, at all events,—all Catholic educational purposes continued to be excluded from the sphere of legal charity.

<sup>1</sup> 35 Geo. III., cap. 21.

<sup>2</sup> 18 Geo. III., cap. 60; 31 Geo. III., cap. 32.

This was illustrated in a case, *Cary v. Abbot*,<sup>1</sup> that came before the English Rolls Court in 1802. In this case, a testator had bequeathed the residue of his personal property in trust, with the following direction: "The interest arising therefrom I give for the purpose of educating and bringing up poor children in the Roman Catholic faith." The bequest had to be set aside.

In such a case, although the bequest could not, in the then existing state of the law, be upheld as it stood, it was not altogether void. The Master of the Rolls (Sir William Grant) held that the next-of-kin were not entitled to the residue, but that it was applicable by the Crown, under the sign-manual, to some valid charitable purpose. This was the principle then acted upon in all cases where a bequest failed on the score of its being for the purposes of a religion that was under legal disability, when the bequest was otherwise of a character that the law would regard as charitable,—such, for example, as the bequest in this case, for the education of poor children. In such cases, the general charitable intention disclosed in the will was laid hold of; the testator's illegal application of his gift was set aside; and the gift was saved for some purpose that was legally charitable.<sup>2</sup>

This state of the law necessarily led to much hardship and even injustice. Bequests intended for purposes connected with the religious interests of a section of the community whose religion was under disability, might be transferred, and, in fact, were transferred, to corresponding purposes connected with the established religion, or with some other religious body. So long as this injustice affected Catholics only, it attracted but little notice. But some cases occurred in which trusts for Unitarian purposes were diverted from those purposes, and were applied to other uses. The Unitarian Relief Act<sup>3</sup> was accordingly passed, admitting Unitarians and

<sup>1</sup> 7 Ves. 490.

<sup>2</sup> See Tudor, pages 35, 124, 141; Tyssen, Chapter 5, "On Gifts for Superstitious Uses;" Chapter 8, "On Religious Trusts," and Chapter 9, "Cases on Religious Trusts"

<sup>3</sup> 53 Geo. III., cap. 160.

their religious and charitable trusts to the legal protection that had not been extended to them by the Toleration Act of 1689. This Unitarian Relief Act was passed in 1813. But even then, nothing was done for the protection of Catholic charities.

As no reference to charities was made in the Catholic Emancipation Act of 1829, the legal position of Catholic charities was regarded by some eminent legal authorities, even after the passing of that Act, as somewhat doubtful. A special Act for the removal of all such doubts<sup>1</sup> was then passed in 1832. This Act, after reciting that doubts had been entertained as to the position of Roman Catholic charities, and that it was expedient to remove such doubts, went on to enact that Catholics, "in respect of their schools, places of religious worship, education, and charitable purposes," should stand on the same footing before the law as all Protestant dissenters. This Act did not apply to Ireland, but to Great Britain only.

In Ireland, however, no practical difficulty has arisen from the absence of a special Statute on this point. Whether as a result of some of the references to the education of Catholics, occurring in several of the remedial Statutes of the Irish Parliament,<sup>2</sup> or on some other grounds, the Courts in Ireland, at all events for many years past, have made no difficulty in recognising the validity of bequests for the education of Catholics, or in favour of Catholic places of education.

In 1809, the decision in *Cary v. Abbot* was referred to by the Irish Lord Chancellor (Lord Mannors) in a detailed, but, as he took care to state, informal, expression of his views, in a case, *Attorney-General v. Power*,<sup>3</sup> then before his Court. This case had reference to several bequests for the education of Catholics. Lord Mannors, after pointing out that, in England, bequests for the endowment

<sup>1</sup> 2 & 3 William IV., cap. 115.

<sup>2</sup> See *ante*, page 218.

<sup>3</sup> See O'Leary, *On Dispositions of Property for Religious and Charitable Uses*, pages 27-33.



of a Catholic school, or for the education of Catholics, would be invalid, expressed grave doubts as to whether the law in Ireland differed from that of England in this respect.

In a work of some repute, published so late as 1847, this point is still treated as to some extent doubtful.<sup>1</sup> But no room for such doubt any longer exists. At all events for many years past, such bequests have uniformly been upheld as valid in all cases in which they have come under the jurisdiction of the Courts.

It may now be taken as quite settled law, that bequests for Catholic educational purposes are fully recognised as legally charitable.

### § 3. *Advancement of Religion.*

By "religion" we are here to understand, not exclusively the Protestant religion, which legally is the religion of the British Constitution, but all forms of religion that are even tolerated by law. Until 1846, purposes connected with the Jewish religion were excluded; but the restriction was removed by the passing of the Jewish Relief Act of that year. The various other stages by which this extension of the term has been reached, have been sufficiently indicated in the preceding pages.<sup>2</sup>

As in the former branch of the subject, so also here, we are altogether free of the question whether a bequest tends in any way to the benefit of the poor, as such. Every bequest for a public religious purpose,—taking the word religious in the wide sense just now explained,—is recognised by the law as charitable.

Under this head, we may take as illustrations the following bequests, all of which have been judicially recognised as charitable:—<sup>3</sup>

Bequests for building, or for endowing, a church; for the repairs of a church, or of its furniture or ornaments; for the maintenance of a minister; for building, or for repairing,

<sup>1</sup> O'Leary, pages 32, 33.

<sup>2</sup> See *ante*, pages 215-220.

<sup>3</sup> See Tudor, pages 6-11; Tyssen, Chapters 8, 9, 10, and 11.

the residence of the parish clergyman ; for building an organ-gallery in a church, or putting up an organ ; for the expenses of an annual sermon, with fees to the preacher, the clerk, and the pew-opener.

So also, the Courts have recognised as charitable, bequests to institutions having for their objects purposes connected with the advancement of religion, such as the Church Building Society, the Society for Promoting Christian Knowledge, and the Society for the Propagation of the Gospel in Foreign Parts.

The following are examples of legally charitable bequests for Catholic purposes:—"To promote the Roman Catholic religion;" "for the use of Roman Catholic priests in and near London;" "to the then minister of the Roman Catholic Chapel at L. and his successors, ministers of the same chapel for ever, as an addition to the stipend of the said chapel;" "to promote the knowledge of the Catholic Christian religion amongst the poor and ignorant inhabitants of S. and W."

It is of special importance to bear in mind that a bequest for religious purpose will not be recognised as legally charitable unless the purpose specified is, in some way, of a public or general character. In other words, the bequest must be of such a nature that the execution of it is calculated to confer a benefit, not merely upon certain individuals, but upon the public, or upon some section of the public. Such, for instance, would be a bequest towards the maintenance of the public religious service of any section of the community, whose religious worship is even tolerated by the State.<sup>1</sup>

Before we pass from this branch of the subject, it may be interesting to point out how it is that, in the eye of the law, the charitable or non-charitable character of a bequest for the maintenance of a monument depends, as we have already seen, upon whether the monument is within a

<sup>1</sup> As to all this, see the next number of the I. E. RECORD, "On Bequests for Masses."

church, or in a graveyard or cemetery outside.<sup>1</sup> In view of the principles already stated, the grounds of the distinction thus drawn by the law are obvious enough. In the latter case,—that is, when the monument is in a graveyard or cemetery,—there is nothing that the law can regard as investing the bequest with a charitable character. A monument, as such, is a personal thing, a tribute to the worth of some deceased individual. But if the monument is within a church, the case is different. The law is then enabled to regard it as one of the ornaments of the church, if not, indeed, as a portion of the fabric itself. Thus it is brought under the class of objects deemed charitable within the section of the subject we are here considering.<sup>2</sup>

#### § 4. *General Public Purposes.*

We here reach the point at which the legal idea of Charity diverges most widely from that conveyed by the word in its popular acceptance.

Under this fourth heading, gifts for the following and many similar purposes have been held to be charitable :—<sup>3</sup> Paving, cleaning, lighting, or improving a town ; providing a town with a supply of water ; building a sessions house ; repairing a roadway or a bridge.

Again, gifts in aid of a general or local rate, or towards the payment of the National Debt, are also charitable, on the score of their tending to the public benefit. So also are gifts to public libraries, museums, botanic gardens, and the like ; and also, gifts in aid of societies which are of public benefit, as, for instance, the Royal Humane Society or the National Lifeboat Institution.

Gifts for the protection or benefit of useful animals are also charitable. The following, for instance, was recognised as a charitable bequest :—“ For the founding, establishing,

<sup>1</sup> See *I. E. RECORD*, February, 1895, pages 110, 111.

<sup>2</sup> See Tyssen, Chapter 7, “On Gifts for Erecting and Repairing Tombs.”

<sup>3</sup> See Tudor, pages 11-44 ; Tyssen, Chapter 20.

and upholding an institution for investigating, studying, and, without charge beyond immediate expenses, endeavouring to cure maladies, distempers, and injuries, any quadrupeds or birds useful to man may be found subject to." <sup>1</sup> This case was decided by Sir John Romilly, as Master of the Rolls. His decision was upheld on appeal. The Lord Chancellor (Lord Cranworth), in giving judgment in the Court of Appeal, added :—" And as to animals kept for amusement, that an establishment which could be effectual to cure diseases among them would be a good charity, is a matter upon which I entertain no doubt whatever." <sup>2</sup>

A gift to the Society for the Prevention of Cruelty to Animals, " towards the establishment of slaughter-houses . . . away from densely populated places . . . and for the relief of, and protection from cruelty to, the animals taken to be slaughtered," has been held to be charitable. <sup>3</sup> And in a rather recent case, where there was question of a Society for the Protection of Animals liable to Vivisection, and of a Home for Lost Dogs, the opinion was judicially expressed that these were legally charitable institutions.

But a gift for the maintenance of particular animals, as for instance, the testator's horses and hounds, is not charitable. Here the requisite element of public benefit is plainly wanting.

So also, on the ground that they are for the benefit merely of the individual members, and not for the benefit of the public, Societies of the class known as " Friendly " or " Benefit " Societies, are not legally charitable. This was decided in the case <sup>4</sup> of a Society constituted under rules, the effect of which was stated as follows by the judge who decided the case :—" The Society was one whose members were to provide, by subscriptions and fines, a fund to be distributed for their mutual benefit in cases of sickness, lameness, or old age. Poverty of the member at the

<sup>1</sup> *University of London v. Yarrow*, 23 Beav. 159 ; 1 De G. and J 72.

<sup>2</sup> See Tyssen, pages 171, 172.

<sup>3</sup> *Tatham v. Drummond*, 4 De G. J. & Sm. 484.

<sup>4</sup> *Re Clark's Trust*, 1 C. D. 497.

time of his sickness or lameness, or in his old age, was not required to entitle him to an allowance."

On the other hand, in the case<sup>1</sup> of another Society, the object of which was "to provide for the funerals of indigent members; the relief of orphan-children of members; the supply of medical advice and medicine to poor sick members; and granting annuities to poor members disabled by age or accident," the judge held that poverty was an ingredient in the qualification of members to be recipients of the benefits of the Society, and that the Society, therefore, was a charitable one.

These cases are of obvious importance in their bearing upon the position of our Diocesan Clerical Fund Societies, established, as these Societies usually are, for the benefit of priests who subscribe to them, and who thereby, quite irrespective of poverty, become entitled to certain allowances in cases of temporary or permanent illness. Such Societies seem to be covered by the principle on which *Re Clark's Trust*<sup>2</sup> was decided, and, if so, they are not legally charitable.

Another important principle is that a bequest cannot be regarded as of public or general utility if the purpose of it is illegal or contrary to public policy.

In a case<sup>3</sup> decided in 1858 in the English Rolls Court, there was a bequest of £5,000, to be expended in paying the fines, and so procuring the release from prison, of persons committed for non-payment of fines under the game laws. Now, the "relief or redemption of prisoners or captives" is one of the charitable purposes mentioned in the Statute of Elizabeth,<sup>4</sup> and there are many cases in which the release of debtors from prison has been recognised as a charitable purpose.<sup>5</sup> But this bequest for the release of persons committed to prison for the non-payment of fines was set aside as void. The principle of the distinction

<sup>1</sup> *Spiller v. Maude*, 32 Ch. D. 158 n.

<sup>2</sup> See *ante*, page 224.

<sup>3</sup> *Thrupp v. Collett* (No. 1), 26 Beav. 125.

<sup>4</sup> See *ante*, page 210.

<sup>5</sup> See Tudor, page 33; Tyssen, chapter 13.

is well stated in a standard work that I have frequently referred to in the course of these papers. The statement is as follows:—

“Closely connected with the subject of gifts to promote alterations in law, come gifts for the relief of persons suffering penalties for breaking the law as it now stands. Such gifts are void on every principle.

“But we must distinguish gifts for relief of criminals, from gifts for the relief of debtors. The latter have merely broken their private contracts; and gifts for their relief are really gifts to enable them to fulfil their broken contracts. The fines inflicted for the breach of the general laws are of a different nature, being intended as a punishment on the guilty parties. If the validity of a gift to satisfy such fines were allowed, it would be a *direct encouragement to break the law.*”

The bequest, then, in *Thrupp v. Collett*,<sup>2</sup> was set aside. Lord Romilly, in giving judgment, said:—

“I cannot support this bequest. It is impossible not to see that the effect of it would be to give immunity, and protect persons in the commission of acts which are treated by the legislature as offences, and for which penalties by fines are imposed . . . This is against public policy.”

We have now arrived at a fair general idea of the legal meaning of the word Charity. This brings us to the end of the first of the sections into which I have divided the general subject of these papers.<sup>3</sup>

The subject of the second section, according to the plan sketched out in my introductory paper, was to have been, Bequests for Masses. But it has been suggested to me that I should include in it also two other subjects of special religious interest: Bequests to Religious Orders of Men, and Bequests to Nuns and Convents. The latter happens to be a somewhat intricate topic to deal with in papers such as these. However, in more than one respect, the suggestion appears to me a good one, and I hope to be able to act upon it.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

<sup>1</sup> Tyssen, On Charitable Bequests, pages 178, 179.

<sup>2</sup> See *ante*, page 226.

<sup>3</sup> See I. E. RECORD, Jan., 1895, pages 1, 2.

## HOLY WEEK IN ROME IN 1894

IT seems to be the impression amongst many that Holy Week in Rome, since the Italian occupation, is not anything like what it used to be; that the ceremonies are not carried out with that solemnity and magnificence that made them world-famous when the Pope was temporal ruler of the Holy City. This, of course, is true as regards St. Peter's and the Vatican. The ceremonies there are, to a great extent, shorn of the splendour that surrounded them before the days of '70. You have no longer the Pope himself pontificating, surrounded by the cardinals and his court, the wonderful *Miserere* in the Sistine Chapel, and the gorgeous Mass celebrated by the Pontiff himself on Easter Day in St. Peter's; no longer that sublime, unequalled spectacle of the Father of the Faithful giving his blessing to the city and the world from the Loggia in front of the Basilica—the whole square, and the colonnade, and the streets beyond, filled with thousands of people—all going down bareheaded, on their knees, to receive that blessing. And then, when the last words of the Pontiff died away, the roar of voices that went up from that sea of humanity, the firing of cannon, the pealing of bells, the strains of martial music; and, when night came, the illumination of St. Peter's itself, giving the vast pile the appearance of being changed into a mountain of quivering fire. These things, of course, we no longer have since the Holy Father became a prisoner in his own palace, and has ceased to officiate in public. But, at the same time, the ceremonies are still very impressively carried out in St. Peter's, making due allowance for the absence of the Pope and his court, and in St. John Lateran's, and in all the other churches of Rome, much as they were before the Italian invasion. Great crowds of strangers still flock to Rome for Holy Week, and all go away pleased and impressed with all they have seen and heard.

In St. Peter's the ceremonies commenced on last Palm Sunday with the blessing and distribution of the palms. The right transept (that in which the Vatican Council was held)

was portioned off for the function, with an altar at the end. Tribunes were erected for the choir, and for those of the congregation holding tickets. The crowds thronging the edifice were very great—principally English, Americans, Germans, and the greater part evidently non-Catholics. On every side one heard the English tongue. The palms were blessed and distributed by one of the canons, the choir singing the antiphons all through the distribution. The procession afterwards through the church was very fine. It was made up of the Chapter, some of whom are bishops, the Beneficiati, the clergy attached to the church, the Seminarists, and the choir—some of the lay officials of the Basilica leading the way, and others keeping order. It went down one of the right aisles, outside to the piazza, and back through the nave—hemmed in on every side by thousands of interested spectators. Having reached the altar, Mass was then proceeded with, and the singing of the Passion was touching and impressive. The whole transept was so filled with people it was almost impossible to get near the altar.

On Spy Wednesday evening the Tenebrae commenced in many of the greater churches. St. John Lateran's, St. Peter's, the Gesu, and St. Apollinaire are the churches best worth visiting on these occasions, particularly St. John Lateran's. Having tickets for one of the tribunes in this church, and it being the cathedral of Rome, "the Mother and Mistress of all the Churches," and the one where all the ceremonies of Holy Week are fully carried out, it was the one to which we most frequently went.

The Tenebrae is truly a wonderful service in Rome. The singing of the Responses to the Lamentations, and especially of the *Miserere*, by the choir each night, is beyond anything one can conceive outside the Eternal City. It was harmony so exquisite, and perfect, and touching, as is to be heard nowhere else in the world, and such as one feels that he shall never hear again. "It was a real meditation in music, going into all the depths of the soul's miseries and of God's mercies." The choir was placed in a tribune over the choir of the canons, and was conducted by Cappuci, a man grown old in the service of music and of the Church. It is made



up of persons of every age and class, including five or six small boys.

The crowds attending on these occasions are always very great, not only of strangers, but also of the Romans themselves. You see them standing thick round the whole centre of the church, particularly the canons' choir, Catholic and Protestant alike, everyone anxious to see and to hear all that is going on ; and then, when the function is over, the streets are a sight to see, filled with the returning throng, and through the main thoroughfares a long, continuous stream of carriages for a considerable time. During these two or three days all Rome seems to give itself to devotion and to church-going. In St. Peter's the crowds attending the *Tenebrae* were even greater than at St. John Lateran's ; but the singing there does not seem to have the same effect as in the Lateran Basilica. The voices seem, to some extent, lost in the immense size of the church. The great attraction there last year was the singing of Moreschi—perhaps the most extraordinary tenor singer in the world. He was formerly attached to the Lateran Choir, but now belongs to that of St. Peter's.

On Holy Thursday morning the ceremonies commenced in St. John Lateran's at eight o'clock. Cardinal Parocchi, the Vicar, was celebrant, as he was again on Holy Saturday. There were a great many ecclesiastics, from the various parishes and religious houses of the city, in attendance for the consecration of the holy oils. Everything was grand and imposing. The vestments were rich and beautiful ; everything in the ceremonial to be sung was sung, and the liturgy fully and perfectly carried out in every detail. The numbers of people attending were not so large as one might expect. Many English Protestants were there, including ministers, most of them provided with Catholic Holy Week books, and always grateful for being shown the place where the celebrant was, and for any little word of explanation about what was going on within the sanctuary ; and so anxious to be told. They seem to know so little about our Catholic services and practices. They evinced great interest and curiosity in the procession afterwards to the sepulchre,

and what it meant. The washing of the feet, which used to be done by the Pope himself when he officiated on this day, may still be witnessed at St. Appollinaire.

During the afternoon and evening of Holy Thursday, all Catholic Rome seems to turn out to visit the various sepulchres through the city, and to pray before our Lord in the Blessed Sacrament. On that day, almost every church in Rome is open throughout the day, and the numbers that visit them—even the smaller churches—and the devotion shown by all, are most edifying. There is a large and constant stream of people up to a late hour, in and out of each church, and the majority, as far as one can see, not going through curiosity, but to pray. In fact, a stranger is not prepared for such a display of faith and devotion as he sees on this day—at least, amongst a section of the Roman people.

On Good Friday, Archbishop Stonor was celebrant at the Lateran, and again all was carried out impressively, and with attention to minuteness of detail. There was that wonderful singing of the Passion—"Our Lord's words, so sweet, so profound, so full of a sorrow that has no weakness in it; so unlike any tones one hears elsewhere, one would think it came from Palestine with the Apostles."

This, of course, is the great day at Santa Croce, as this church contains so many and such precious relics of the Passion—a large portion of the true cross, two thorns from the crown of thorns, one of the holy nails, and the title of the cross. Cardinal Parocchi celebrated here, and after the ceremonies he exhibited and blessed the people with these precious relics. The church was filled with a large congregation, and was visited by great numbers during the day, as everyone seems to go there on Good Friday. Coming away, we met the Irish students all going there in a body.

Another great devotion in Rome, on Good Friday, is, making the ascent of the holy stairs, the *scala santa*. This is near St. John Lateran's, and is, as we know, the stairs which our Lord went up to Pilate's house, and down which He came after the scourging. It consists of twenty-eight steps, covered with wood, which had to be renewed

three times, being worn away by the knees of the pilgrims. All make the ascent on their knees, and at certain spots a small brass plate marks the place where the Precious Blood fell, and which the pilgrims devoutly kiss. You begin by kneeling on the lowest step, saying some prayers; then moving on your knees to the second step, where again you say some prayers, and so on to the last. When you reach the top you are in presence of the sanctuary called the Holy of Holies, than which, as the inscription tells you, "there is not a holier place in the world," on account of the number of precious relics it contains. There, also, is the celebrated picture of our Lord called *Achiropoieta*, said to have been begun by St. Luke, and to have been finished by angels. The numbers of people making the ascent of the holy stairs last Good Friday afternoon were immense. You had to wait some time before your turn came; you looked up the way before you, and you saw every step, the whole way up, filled with people—six or seven on each step—all on their knees, devoutly making the ascent. And you saw there people of every class and manner of dress—rich and poor—the soldier and civilian, the workingman of Rome and the English or American tourist. And one would see there, too, some of the faithful children of Ireland on that Good Friday afternoon—all piously making their way up those twenty-eight holy and historic steps. Many indulgences are attached to this pious exercise, and so great sometimes is the concourse of pilgrims, that two other stairs had to be built—one at each side of the holy stairs, and to which the same privileges are attached as to the holy stairs itself. This place during Holy Week, and especially on Good Friday, is one of the most impressive sights in Rome.

On this day also the Devotion of the Three Hours' Agony is preached in many of the Roman churches—notably in the Gesu. There they had, last Good Friday, a very famous preacher of the Society, and the large church was thickly packed from the altar to the door. At night there is a peculiar ceremony in San Carlo, in Corso, where the figure of Our Lady is draped in black, and the sermon is on the Seven Dolours.

On Holy Saturday morning, the services commenced in St. John Lutheran's, at seven o'clock. There were one hundred and fifty candidates or more to receive Orders; and all these walked in the different processions, which added greatly to the impressiveness of the ceremonial. The blessing of the font, and the long processions to and from the Baptistery of the Chapter, and all the Ordinandi, were very striking. The ceremonies of this day are very long and tedious, not being over till about one o'clock. On Holy Saturday, too, it is the custom of the pious Romans to have their houses blessed, and several times in the day you meet the priest in surplice and stole, accompanied by the acolyte with holy water, going on this mission through the different houses of his parish.

On Easter Sunday there was a great crowd in St. Peter's to witness the High Mass. There was a temporary altar erected in front of the confession, and a tribune for the choir. One of the bishops of the Chapter was celebrant. The singing and music were most attractive—Moreschi's voice coming out in such strangely clear and piercing notes. After the Mass there was an exposition of, and blessing, with the great relics preserved in this church—part of the lance which pierced the Sacred Heart, the veil of St. Veronica, and a large portion of the true cross.

In the afternoon there were solemn Vespers in St. John Lateran's, and an exposition of the extraordinary relics contained in this Basilica—amongst others, of St. John the Baptist, of the mother of the Blessed Virgin, St. Mary Magdalen, the Apostles, and the Drops of Blood that fell from our Saviour's side on Calvary. They were exposed from one of the tribunes above the choir. A bishop, clad in cope and mitre, stood between two priests. One of these, handing him the reliquary, announced in clear stentorian tones what the relic was; the other repeated this in the same key; and then the bishop gave the blessing with it to the kneeling crowd below. In cases of the relics having connection with our Lord, the mitre was always removed before the blessing was given. The exposition of the relics lasted for a considerable time, as it is truly wonderful what

a number of extraordinary relics they have in this church, and indeed in all the great churches of Rome.

Thus ended most appropriately the ceremonies of Holy Week in the Eternal City—a city, of all the cities in the world, so well deserving the visit of the Catholic, and especially of the ecclesiastic. There, everything speaks to us of the genuineness of the faith of the Church, from her infancy in the Catacombs to her world-wide expansion at the present day. There is visibly brought home to us the continuity and truth of the Catholic Church; that she alone is the Church built on the Rock of Ages; that she alone has come down to us from the Apostles through all the years. In her venerable presence the heretical sects are nowhere; or, at most, are but the rebellious off-shoots of yesterday. In Rome the Catholic ever feels at home, feels that her churches with their antiquity, and all their countless treasures are his; and Holy Week is there, in a sense, the week of all the weeks in the year. You then see Rome and its churches as you will not see them again, which makes a visit to Rome interesting at any time; doubly so, should you happen to be there during Holy Week.

J. LENNON

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## THE INTERMEDIATE EDUCATION SYSTEM

IS IT DEFECTIVE IN PRINCIPLE OR IN ITS ADMINISTRATION?

**F**IFTEEN golden years have now run their swift course, since the first exciting test of the Intermediate system, in the palpable form of stiff examinations of the most diversified character, quickened the pulse of academic life in Ireland. When the results of that doubtful ordeal were published, however, a healthier condition of things soon manifested itself. Teachers and pupils came to realize that “fresh fields and pastures new” were evermore opened up for talent, industry, and well-regulated ambition; the rising generation began to think that the Gordian knot of

exclusiveness and ascendancy—ascendancy over body, mind, and soul—had been quietly and successfully loosed; and the unanimous judgment, willingly or unwillingly entertained, throughout the length and breadth of the country, eulogized the Intermediate Education Act of 1878, as the first genuine and uncontaminated instalment of justice to the Irish nation, on the principle of “fair field and no favour.” Has that verdict been reversed?

No more earnest or able advocate of the rights of our Irish people, in the matter of education in all its departments and grades, has appeared, within the last half century, than the late illustrious Lord O'Hagan. Of the fitness or unfitness of a Parliamentary Bill to meet the requirements and satisfy the demands of Ireland, no man of his day—and since his lamented death, no sweeping revolution or new growth of educational policy has been witnessed—was better equipped or more competent to form a correct and conclusive opinion. The following is his deliberate and well-weighed judgment, pronounced in the House of Lords, on the 28th of June, 1888, when the Bill was brought forward to be read a second time. He was then in opposition to the political party in power, the Tories, by whom the Bill was introduced and carried; this fact enhances the significance of his memorable speech. Having described, with glowing eloquence, the multiplied and ingenious methods, by which the English had tried to “starve and dwarf” the intellect of Ireland, he offers a whole-hearted welcome to this new, long-wished-for boon.

“It will stimulate individual effort he says], and promote scholastic enterprise. The angel stirred the sluggish pool, and the healing influence descended—the Spirit moved upon the dry bones in the prophet's vision, and they grew to shapes of beauty—and with God's blessing, they would see Ireland, launched on a new career and roused to generous action, awakened soon to new life and hope.”

No doubt, he entertained the delusive expectation that a University Bill, constructed on the same lines, would soon be framed and become law; but his highest aspiration was, that such a University Bill might be equally acceptable in

principle, aim, and scope. As years roll by, and examination succeeds examination, the Intermediate system is still the admiration and idol of one section of educated society, while another not inconsiderable section view it with a feeling little short of abhorrence, or, at all events, speak of it in unmeasured terms of reprobation. These latter belong, as a rule, to the non-academic world; they reverse the principle, *Omne ignotum pro magnifico*. Without touching on any controverted points, let us examine a few of its universally recognised advantages, and see if these are counterpoised by its alleged defects.

Even those who have not personal experience of the fact, will agree that the introduction, for the first time, into this department, of public examinations, at which the standard of marking and the questions proposed were precisely the same for all, was naturally calculated to impart an immense and much-needed impetus to close and methodic study. Masters who had graduated in Trinity College had their own narrow and well-worn groove, within which they rigidly and conscientiously confined their teaching. Priests who had studied in Maynooth zealously endeavoured to pattern the instruction they conveyed on the model they had admired in their college days. The Jesuits, the Blackrock Fathers, Castleknock College, &c., had their own several systems and programmes. "*Mais, nous avons changé tout cela*"—a sudden *bouleversement*! No longer could an obscure and inefficient grammar school parade the frivolous performances of its pupils on a fête day, in the friendly columns of a newspaper, as the *ne plus ultra* of higher education. Self-laudation forfeited its patent; ingenuity in the framing of educational advertisements was mercilessly handcuffed; unadulterated wares had to be branded "Intermediate;" and the literary and semi literary public of the country complacently acquiesced in the irresistible conviction that widespread competition is healthy, and that the petting of favourite nurseries of education is a radically unsound, pernicious, and antiquated policy. Indeed, perhaps the most admirable and commendable feature of the Intermediate system is the miscellaneous and uncramped character of the examination papers, in

collaborating which men of the most conflicting predilections and tastes, men whose own academic careers had been pursued under the most divergent methods, ways, and principles of teaching, expend ungrudgingly their valuable time and exhausting labour. Of course, they are remunerated, but very inadequately; that, however, is beside the question. Untalented boys and incapable masters are sometimes accused, it may be unjustly, of studiously avoiding to closely inspect the papers and results, that they may the more freely and remorselessly condemn and renounce the whole Intermediate system and all its pomps. But want of intellect is loth to engross itself on its owner's remarks affecting himself; indolence would fain be adorned in the false plumes of respectability; and the "sour grapes," that dangle and tantalize, but are so difficult to reach, in the Intermediate vineyard, are reprobated by both as poisonous fruit. Disappointed ambition, too, on the part of those who consider themselves alone justly entitled to the monopoly of advantages in this and every other department of education, fills its vials of gall and vinegar, and courts an opportunity to unseal them. Occasional errors of judgment may, and must, occur, from time to time, as long as so many heads and hands are employed in designing the papers, and deciding on the relative merits of the answers; but the Board is very accessible, and instantly remedies all rational grievances. A recognised authority on the subject wrote, in the early days of the Intermediate, when he was quite cognizant of the spirit and doings of the Board, though not then a member himself:—"A favourable reception is invariably accorded to representations submitted by those who represent the interests of large numbers of students to the Board of Intermediate Education." It is in the highest degree regrettable that the old Catholic Committee was dissolved; but even lately the cry against the "Commercial Course," emanating from a remote corner of the country, elicited a very satisfactory and decisive response. The examinations are, then, open and public in the fullest and widest sense, seeing that a pupil can procure an official account of his or her marks



in any and every subject. They are as diversified in form as they are in matter, unstereotyped, and equally suited to all classes of diligent students.

A second and not unimportant advantage is the indirect endowment accruing from Results Fees to successful schools. Besides, very distinguished pupils—one out of every ten on the Pass List—receive exhibitions or prizes, averaging about £50, contingent on continued fairly proficient study for a year or two. The total amount annually expended by the Intermediate Board, in exhibitions and prizes to pupils and in results fees to teachers, is somewhere about £25,000, the gross yearly income at the disposal of the Board for all purposes being about £35,000. Not uncommonly, it is the child of indigent parents that secures the coveted exhibition; while, at present, no school worthy of the name can fail to gain a very considerable addition to its revenues in the form of results fees. Year by year, the grants are being notably enlarged. Compare, for instance, the scale of payments which was in existence in 1882 with that fixed for 1893—and the arrangement in force at present is even more liberal than this latter. Rule 32 of the 1882 programme runs thus:—

“Results fees will be paid at rates not exceeding—Junior Grade, 1s. 3d. per 100 marks assigned to subject or section; Middle Grade, 1s. 6d. per 100 marks assigned to subject or section; Senior Grade, 1s. 9d. per 100 marks assigned to subject or section, provided that in the case of any one student there shall not in any one year be paid, in the aggregate, in the Junior Grade a results fee greater than £3 10s.; in the Middle Grade, a results fee greater than £4; or in the Senior Grade, a results fee greater than £5.”

The following precautionary note is appended:—

“The scale of results fees is liable to be reduced, if in the opinion of the Board the amount of funds at their disposal shall require a reduction to be made.”

There was then no Preparatory Grade, and no results fees were paid in the case of over-age pupils. But, in virtue of the Local Taxation (Customs and Excise) Act of 1890, the remuneration of teachers assumed immensely more

generous dimensions, and for 1893 we find the following somewhat complicated but obviously, acceptable, scale of payments fixed :—

“Results fees, for students of the prescribed age, shall not exceed—(a) in the Preparatory Grade, the rate of 2s.; in the Junior Grade, the rate of 4s.; in the Middle Grade, the rate of 6s.; and, in the Senior Grade, the rate of 8s., for every 100 marks of the total number of marks assigned to such subjects. (b) For each subject in which the student shall have obtained honours, but shall not have scored 70 per cent. of the total marks assigned to such subject, the above pass rates with addition thereto of 25 per cent. thereof. For each subject, in which the student shall have scored 70 per cent. of the total assigned marks, the above pass rates with the addition thereto of 50 per cent. thereof. For average students, the Results Fees shall not exceed one-half of such of the above rates as would have been applicable to their marks, had they been of the prescribed age.

“The aggregate of the sums to be paid for results fees, *above* such addition of 25 or 50 per cent. as may be payable under these rules, shall not exceed the respective sums following, viz. :—

In the Preparatory Grade, £6;  
In the Junior Grade, £10;  
In the Middle Grade, £15;  
In the Senior Grade, £20.”

The only substantial change introduced since 1893 is a very important one—the wiping out of the unexpansible figure fixed as a maximum of payment.

A third and paramount advantage is the placing of the studies in schools and seminaries on a scientific basis. In order to pass at all in the classics or the modern languages, a student must score twenty per cent. of the total marks assigned to grammar and composition, and in order to pass in English, he must score twenty-five per cent., at least, in English composition. Moreover, “no student shall obtain credit for the examination generally, nor shall his name be published in the Schedule of Results unless he pass in at least four subjects; in grades other than Preparatory, boys must pass in four or more subjects, to which in the aggregate not less than two thousand marks are assigned;” and, lastly, “in the

published list of the results of the examination, the number of marks gained by a student in any language in which he has not scored thirty-five per cent. in grammar and prose composition, will be reduced by one-half of the number of marks gained by him above twenty-five per cent. of the total number of marks assigned to the language in question." These provisions, strengthened by the wise regulation that allots between two hundred and three hundred marks to prose composition—the best test of proficiency in any language—an unbiassed mind would unhesitatingly accept as ample and effective safeguards against superficial and spasmodic study or undigested "cramming." Whatever may be said of classics—a department that was always pretty well looked after—nobody conversant with the programme and system of teaching that obtained in a large number of our Catholic seminaries, up to the year 1879, will deny that since then the study of mathematics, natural philosophy, English, and modern languages has progressed by leaps and bounds.

To recapitulate, then, we have a public and absolutely impartial examination of a deep, broad, and searching character, conducted by men who cannot possibly be prejudiced against or in favour of any candidate, as all are unknown; the teachers and the taught, if successful, are liberally rewarded; and the most ingenious precautions are enforced to prevent the patenting of any spurious or adulterated article.

Before proceeding to investigate the force of the objections, so commonly and thoughtlessly urged against the Intermediate system, it may not be amiss to premise here, that, in the opinion of the writer, there are a few points in which it might be still further perfected. The widest and most dangerous gap is the *want of official inspection* of the schools. That is an old-world defect, which cannot be allowed much longer to mar the progressive efficiency of a splendidly-equipped and otherwise well-worked department of education. The Act was intended to raise the standard of teaching in middle-class schools, and to encourage and endow genuine academic work. That it has been successfully availed of, beyond the most sanguine hopes of its

supporters, is incontestibly true ; but will the seven unpaid Royal Commissioners, or the two competent working Commissioners, repel from their bosoms all tumultuous qualms of conscience, when they are convinced, as they must be, that the following abuses are liable to occur ? Or, are the powers vested in them rigidly confined within the narrow limits fixed by the age clause ? Students over sixteen years of age on the 1st of June following their first appearance in class, or over nineteen years at their latest available trial under the "Intermediate," are, it is alleged, in some cases, neglected. Naturally bright, industrious, and deserving they may be ; but "Intermediate" laurels can never adorn their brows ; their teachers can be accorded no recognition of their arduous labours, either in the local papers, or in the more acceptable form of results fees ; and there is a temptation to overlook them, if registered success is to be the only warranty of success. Again, in Latin and Greek, no attention whatever is given to the quantity of the vowels, especially in prose. That is a palpable and incontrovertible fact. Would it not be desirable that an inspector should examine, correct where he would think it right to do so, and report half-yearly on the whole body of students in a recognised Intermediate School ? The total exclusion of oral examination is an obvious defect. Without venturing to suggest any alteration in the number of marks assigned to prosody, I am strongly of opinion that, while the question of appointing an inspector is either held in abeyance or not entertained at all, greater importance should attach to correct quantification, especially in the Classics. A third fault to which the "Intermediate" must plead guilty, is the narrowness of its programme. In old times, ecclesiastical students invariably read Cæsar, Sallust, Virgil, Horace, Livy, and Tacitus ; and, in Greek, Zenophon, Lucian, Thucydides, Homer, some plays of Sophocles, Euripides, and Aristophanes, and the inevitable Longinus. Now, it is well that the programme is curtailed ; nor does anybody find fault with the substitution of sixty or seventy chapters of Sallust or Livy for an entire book. But why should we not read fifty chapters of Livy, say, and

forty of Sallust? Has any representative body, Catholic or Protestant, objected to that course? An extended vocabulary, a sound knowledge of syntax, and an intimate acquaintance with as many authors as possible, are the aim and dream of the Intermediate system in the department of Classics. *Two* prose authors, suppose, in Latin, and *two* in Greek, and these of varied complexion, would be a decided improvement. "*Timeo hominem unius libri*" is all right in its way; but there is ample time to master two short books in prose, and one in verse, in each language. Again, in the case of the modern languages, students are slavishly drilled to mispronounce all words whose terminations present any peculiarity or difficulty. With what object? In order that, when the dread day of examination comes round, the effort to write the word correctly may not be clogged by any misleading remembrance of the proper pronunciation. Fortunately, for the prospects of the pupils, and the reputation of the schools, this degrading system of misnamed education has failed to commend itself to the older and more respectable institutions. If a boy or girl expects to make a practical and marketable use of these languages afterwards, in a Government office or in a large hotel or mercantile establishment, for example, of what earthly use is the musty ballast that may have enabled him or her to steer safely through the examination? The Marquis of Dufferin is a tried and trusted authority on this subject:—

"I would strongly advise the student [he says], even should he have learned to read or write French or German readily, to avoid attempting to pronounce it in his own uninstructed manner, for it is almost impossible to get rid of the wrong pronunciation of a word, or of a bad accent, when once one has acquired it. If, however, there is a French or a German instructor handy, the best plan would be to make him either talk to you or read to you out loud; and then, when you have, in a certain degree, accustomed yourself to his pronunciation, to read out aloud to him. But this latter process will have to be pursued very diligently, and for a great length of time; and the words you cannot pronounce should be written down, and you should be constantly repeating them to yourself; for in this way you will find your mouth and your vocal organs gradually mould themselves to the nasal and guttural accents of your French and German friends."

Here, too, the oral periodical examinations conducted by an efficient inspector would do an incalculable amount of good. But, have we never been reminded that the Intermediate Act imposes on the Assistant Commissioners the duty of "acting as Inspectors, when required"? That is a ridiculous and short-memoryed absurdity. They have quite enough to do; but, supposing they had vacant time, and an inclination to acquaint themselves personally with the inner workings, in all its branches, of the department, for the "running" of which they are so largely responsible, are they even *permitted* to visit and report, as National School Inspectors do? They are not, obviously; the Chancellor of the Exchequer explained the intention of the Legislature on that subject, in the most unmistakable language. Their investigations must be restricted within the narrow limits of inquiries about age, attendances, &c. General inspection is specifically excluded from the sphere of their duties and amenities.

Lastly, the system of payment by results is regarded by many experienced and sound educationists as infinitely inferior, in principle and in effect, to the direct endowment of well-equipped schools, whose work has been duly attested by impartial inspectors. The problem of apportioning such endowment, with a just regard to merit, and to the general interests of higher education in the country, would be difficult, but not incapable of solution. Let both principles be combined.

Now we reach the point at which the objections brought against the system for which we have expressed a decided but not unqualified admiration must be either answered or admitted. Though the charge of "cramming" is neither well-founded nor novel; it is so oft repeated now-a-days that the first place may not improperly be given to its discussion. "Cramming" is an ill-sounding word; and the very statement that such a practice not only exists, but extends its debasing and corroding influence far beyond the widest limits that the virtuous disconcert of the speaker or writer for anything, save the supreme interests of public education and acknowledged facts, would prevent him from

hinting at, cannot but create a deep-seated prejudice, before the charge is at all examined or attempted to be proved. To this well-worn accusation, as preferred against the *system*—abuses will always exist here and there in educational as in other establishments, though the majority of respectable schools neither encourage nor tolerate them—two answers naturally suggest themselves. We have, besides, the unanimous verdict of the most competent tribunal of appeal in this matter, the distinguished body of Intermediate teachers, that such a practice neither prevails to any considerable extent, nor could it possibly achieve high and general successes for any school.

First, exhibitioners, prizemen, and those candidates who score "honour" marks in several important subjects, are *not* "crammed;" grammar and composition are so weighted with marks as to exclude such a contrivance as a passport to success; the multiplied relays of examiners employed, and the limitless divergence of the form and substance of the papers they set, prove the most ingenious conjectures as to the questions to be but so many unprofitable day-dreams. Now, the less successful companions of these brilliant pupils attend the same classes with them, are listening during the year to the same course of instruction, and enjoy the important privilege of hearing intricate points discussed by the teacher and the more promising and ambitious boys. Is this "cramming"?

Secondly, a very small percentage of the youth of any country are born prodigies of genius; even of those who are sent to Intermediate schools, a fraction, whose numerator is at least a tenth part of its denominator, might be registered as below the average in point of natural ability. Are these latter to be altogether excluded from the sacred environs of the Intermediate temples of education? Or, are they to be isolated from their more gifted friends, and subjected to a more elementary and constant drill in the dread mysteries of the languages, mathematics, &c.? Or, are they "to pay their money and take their chance" with the crowd, receiving no special grinding. Now, the second mode of treatment appears to be the only rational and humane choice

open to the teacher; that is to say, a skilful and well-medicated mixture of "cramming," understood in its proper and less repellant sense. It is an absolute waste of time, temper, and energy to endeavour to make the same orders understood and obeyed, with equal alacrity, by front and rear, in the "Intermediate" or any other competitive "march of intellect." The decidedly backward boys require to be treated in a semi-mechanical manner. The precise words, in which a rule of syntax or a proposition of Euclid is enunciated in the particular text-book used, must be reproduced with automatic accuracy, "it may be for years," until it is at length understood; the formula, by which an algebraic or trigonometrical problem is solved, may have to be eternally written on the top of the blackboard; and, after ingenuity and drudgery have been driven to confess that their powers are utterly exhausted, is it an uncommon, dishonest, or dishonourable procedure to send home the irreclaimable residuum to their parents, with a discreet explanation dictated by truth and charity?

By all means, let the brilliant and the average boy invariably attend the same lectures and instructions. The advantages are mutual; since the former is reminded of important, though, it may be, rudimentary matters he might overlook or forget, and the latter is well capable of understanding many of the recondite criticisms, that would otherwise be reserved for the inner circle of advanced pupils. The present writer, who has had some little experience himself, would venture to go a great deal farther, and advise that *all* pupils of the same grade should be brought together from time to time. It has been explained that the unfortunate antipodes of past or prospective exhibitioners can derive no possible gain by witnessing the rapid "Freemason" interchange of thought between their teachers and their envied fellow-pupils. Well, with all due acknowledgments to the logical principle of contradiction, could it not be consistently maintained that the *crème de la crème* of Intermediate proficiency, with its most delicate and enticing flavour, might be improved by a careful re-examination and strengthening of its ingredients? In other words, do



not very talented and industrious boys profit by listening occasionally—say once or twice each month—to the very elementary questioning and re-questioning of their insinuating companions in study and field, by their dreaded, omniscient masters? Yes; they do immeasurably, as they themselves will candidly acknowledge; and plodding, average students are obviously still more indebted to the instructions directly intended for those whom they sometimes regard as situated relatively to themselves in point of intellect, as the Boëotians of old were to the learned Athenians :—

“The strawberry grows underneath the nettle,  
And wholesome berries thrive and ripen best  
Neighbour'd by fruit of baser quality.”

A healthy intermixture is useful; but sterile soil must be treated exceptionally; it must be “crammed” and surfeited with varied injections and applications, else growth or development is hopeless. Dr. Halifax would recommend in all such cases the expansion of the stunting surroundings of the brain, but he rigidly reserves to his own profession of surgeon the right to perform such an operation. Cramming, therefore, is not and cannot be practised extensively; but it may easily be, within very circumscribed limits, the only possible and practical resource that prudence, expediency, or charity could suggest.

Secondly, it is alleged that the intellects of pupils are not merely “crammed,” but “cramped” by the narrowness of the programme. This objection has a strong backbone of truth in it, that cannot fail to make it at once plausible and formidable; and the admitted substratum of fact has been already accorded a kind of aggressive prominence. Yet, in common justice to schools and schoolboys, it must be conceded that, while the programme is ill-advisedly restricted in the departments of ancient and modern languages, it is all round markedly comprehensive; it indicates sufficient work for the ten academic months of any particular year; it holds out an infallible guarantee that such work shall be duly remunerated; and it provides

effective remedies against temptation to stuff or "cram." If there exists anything like unanimity amongst teachers as to the advisability of extending the programme, in the classics or any other department, it is unlikely that the Board will refuse to give effect to their views, clearly and properly conveyed.

Thirdly, it is confidently asserted, and with a fair show of reason, that the not unimportant section of pupils, whom the accident of age places altogether outside the limited reach of the illuminating and remunerating powers of the Intermediate Act, receive a meagre and totally disproportionate amount of attention. This charge, too, must be admitted to contain some few grains of truth. Of course, they are permitted freely to regale their ill-nourished intellects in the copious supply of healthy instruction placed invitingly before them; but are they pressed when unwilling, and assisted when unable, to receive and retain it? It must be conceded, too, that the Intermediate Act has exerted an irresistible and wholesome pressure on parents, in the direction of having their children early and constantly at school; else, neither ambition nor desire of pecuniary aid can be gratified. Still, experience shows that boys above the prescribed ages for the grades they are qualified to enter, do attend Intermediate schools and seminaries, and there receive, in many cases, a scant and ragged education! This is not the rule; but the unfortunate exceptions reach an appallingly large figure.

Lastly, we are confronted with sweeping and strong denunciations, specially and most unsparingly levelled against the admission of *girls* to participation of the benefits of the Act. They ought to be obliged to confine their studies to such subjects as would be useful to themselves, and those to whose comforts and luxuries they may have to minister in after life! Are these subjects not included in the programme? The pamphlets containing the examination papers for more than a decade of years past exhibit ever and anon recurring questions touching such common life matters as the cooking of a chop, &c., under the heading of "domestic economy." What, then, is the

undefined desideratum, whose absence from the programme moves the ire, and elicits the severe strictures of those hard-to-please judges of what female Intermediate education ought to be, in its ideal form? Needle-work and such things? The uninitiated would think that needlework and kindred technical instruction are amply provided for under the National School Board. In fact, the recent regulation of that body, requiring girls of the Sixth Class to spend three hours each day at such work, is condemned by inspectors, managers, and masters, as making an exorbitant demand on the time of young people, who cannot spend their whole lives at school. Could it be believed that the very same reliable authorities on education condemn this ordinance of the national system, and decry the Intermediate policy in neglecting to enforce some similar enactment? Music, drawing, shorthand, and domestic economy receive due recognition; needlework may very appropriately be left to flourish on its own congenial soil under the primary system.

It is asserted, also, that young ladies are encouraged to devote their energies and time to the study of subjects which are for them the opposite of useful, and in which they can never hope to be fairly proficient—classics, for example, and advanced mathematics. Fancy only three or four girls entering for Greek in the Middle or Senior Grade, and as many failing as passing! No doubt, such a state of things would be deplorable, but we are concerned only with facts. Now, the official Pass Lists and the reports of the examiners are the only reliable authority on the subject. In this context it is surely unnecessary to remind obviously well-informed critics that there are *two* papers, and consequently *two* reports on each candidate's answering in Latin, Greek, and English. A candidate might fail altogether on the second paper, and still pass in the subject. Suppose we take, therefore, extracts from the four separate reports of the examiners on the girls' answer-books, Senior Grade, Greek and Latin, at the examination of last June, 1894, we might expect to have a fair means of testing the truth of this last allegation. "It is creditable that all the girl candidates have passed," is the comment made by

the examiner of the first Greek paper ; while his colleague writes of the girls' answering on the second Greek paper :—  
“ I have examined the work of six girls upon this paper. One of these candidates did really good work ; the other five did very fairly.” The following are the two reports for Senior Grade Latin ; in regard to the first paper, the examiner remarks :—

“ The girls' compositions, though satisfactory, were (with one or two notable exceptions) not so good as the average of the boys', while their knowledge of the prescribed Book of Livy seemed more accurate and intelligent.”

And in regard to the second paper, a different examiner writes :—

“ Forty-three girls presented themselves in this paper, and it is gratifying to be in a position to report that not even one out of the forty-three failed to secure the percentage of marks required for a pass in the subjects of the paper. Indeed, I find that the number who have not reached 50 per cent. is under five. Another striking fact is, that the girl who has got the highest award, scores precisely the same number of marks as the boy receiving highest marks from me—that is, 520 out of a maximum total of 570. As a rule, the “ translation at sight ” was not their strong point, but in the case of text-books, history, &c., they have shown that they possess much more retentive memories than the boys. The answering all round in this paper is decidedly the best I have ever encountered in any grade.”

Parents are under no obligation whatever, legal or moral, to make their children compete for prizes at the Intermediate examinations ; but they may have a perfectly easy conscience on the question of the character and extent of the education imparted under that system. Ample time can be profitably spared for cultivating the arts and accomplishments unprovided for in the programme. Why, therefore, should not the wishes of those who *are* inclined and able to avail themselves of the full benefit of this long-desired measure of justice, be equally respected ? The Intermediate Act has already achieved the most marvellous and widespread results, and it is safe to predict that its sphere of usefulness will be constantly expanded and perfected from year to year.

E. MAGUIRE.

## THE CATHOLICITY OF THOMAS MOORE

HAVING read with great pleasure and satisfaction the article of Dr. Daniel Ambrose, M.P., in the January number of the I. E. RECORD, I must confess I had been hitherto unacquainted with the fact, that the religion in which our illustrious Irish poet, Thomas Moore, lived and died had ever been seriously called in question. The letter of Rev. Edward B. Edgell, Rector of Bromham Rectory, and dated Chippenham, November 21st, 1887, addressed to the writer of that article which has now seen the light, is of great importance, because it triumphantly vindicates Moore from the charge of apostacy from the faith of his fathers. "That he died, as he had lived, a *Roman Catholic*," is the rev. gentleman's statement, and to him was Moore well known during the closing years of life. The poet's funeral was quite private, but it seems very probable the Rector was one of the mourners who stood over the opened grave.

Still much misconception and misstatement remain to be removed. I feel assured no person shall be better pleased to learn than Dr. Ambrose himself, that Samuel Carter Hall never circulated the report of Moore having become a Protestant; and, announcing such an impression to the Rev. Edward B. Edgell, it is no wonder the latter thus writes: "Mr. S. C. Hall must have strangely misunderstood or misheard what I said to him." Nay, more: I am about to furnish, in the course of this contribution, the united testimonies of Mr. and Mrs. S. C. Hall, as stated by an Irish lady of high literary attainments, and their most intimate friend, in a letter—marked private and directed to me—in connection with this very subject. It is dated January 19th, 1895. She thus writes: "Mr. and Mrs. S. C. Hall frequently talked to me of Moore, and I more than once alluded to his alleged loss of faith. They were not Catholics, both being members of the Anglican Church; but they respected all religions, and both said, that they had never had any reason to believe that Moore at any time

repudiated his faith, or gave any cause for or sanction to the statement that he had ceased to be a Catholic." Those distinguished Irish *litterateurs* were dear and most attached friends of "the poet of all circles and the idol of his own." Whenever he visited London, he was sure to spend some of his time in their society; while after his death, their zealous and admiring veneration for him was memorialized in the handsome stained-glass window erected in Bromham Church, near which the tomb of Moore is to be seen.

The correspondent to whom I have already alluded, stated her impression, that the originator of the calumny on our national poet was a malevolent countryman of his, John Wilson Croker, formerly editor of *The Quarterly Review*. Soon after the death of Moore, on the 26th of February, 1852, and according to his own express desire, Lord John Russell undertook a task, which has been but very slovenly and imperfectly executed, viz., the editing of the *Memoirs, Journal, and Correspondence of Thomas Moore*. This work was issued by the Longmans & Co., London, 1853 to 1856, in eight octavo volumes. In the preface to this posthumous work, Lord John Russell says of Moore:—

"He always adhered to the Roman Catholic Church, and when in London, attended the Roman Catholic Chapel in Wardour-street. His answer to a person who tried to convert him to Protestantism was nearly in those terms: 'I was born and bred in the faith of my fathers, and in that faith I intend to live and die.' In that intention he persevered to the end. Of two things all who knew him are persuaded: the one, his strong feelings of devotion, his aspirations, his longing for life and immortality, and his submission to the will of God; the other, the love of his neighbour, his charity, his Samaritan kindness for the distressed, his goodwill to all men."

As editor of *The Quarterly Review*, Croker undertook to write an article, in a repulsively mean and spiteful spirit, while passing the first four volumes of the *Memoirs* under his cynical observations. It appeared in the ninety-third volume of that periodical, June, 1853, pages 239 to 314.

Croker being Secretary of the Admiralty from 1809 until 1830, Moore had occasion often to call upon him, especially in reference to the Bermuda affair, and from the *Diary* it

would appear that the former had professed friendship during the poet's lifetime. However, in the fourth volume of the *Memoirs*, the following anecdote told to Moore by Lord Strangford, on the 31st of August, 1825, is thus very innocently recorded in his *Diary*: "Mentioned that on someone saying to Peel, about Lawrence's picture of Croker, 'You can see the very quiver of his lips.' 'Yes,' said Peel, 'and the arrow coming out of it.' Croker himself was telling this to one of his countrymen, who answered, 'He meant *Arrah* coming out of it.'" This passage must have caught Croker's eye before writing the review; but it was certainly no justification for the unmanly and unjust aspersion sought to be cast on Moore's character as a husband—and while his wife was still living—that he deliberately kept her away from those intellectual and high social circles he was accustomed to frequent. This, too, he seeks to establish, by the negative testimony of the *Diary*, in many cited quotations, and of the names entered therein at assemblies and evening parties, with frequent repetition of the added words, "No Bessy!" Yet from the same *Diary*, abundance of evidence could be drawn, that Bessy had no great relish for society above her own rank in life, and preferred domesticity to all its attractions. However, in numberless cases she appears with her husband at dinners, balls, and re-unions, her presence manifestly affording him, in all cases, both pride and pleasure. Equally futile and malignant are other efforts to fasten obloquy on the character and career of a man—not indeed without his weakness and imperfections—yet, on the whole, remarkable for love of country, elevation of spirit, independence of thought, liberal and high-minded sentiment, a dutiful son, an affectionate brother, father and husband, a faithful friend, and a most engaging social companion. His intellectual gifts, and his celebrity as an author had already rested on an imperishable basis; nor had Croker the hardihood to gainsay their true qualities, nor could he hope to pervert the estimate of opinion prevalent among all capable admirers of poetic genius and of masterly prose composition.

While Moore's literary fame and personal character have

been securely established, those of Croker, the abject parasite of the infamous Marquis of Hertford, have also been perpetuated, but in quite a different sense, by Lady Sydney Morgan, and by William Makepeace Thackeray. For the personality, vulgarity, and repulsiveness of his ultra-Tory critiques on the national novels of the former, he received a Rowland for his Oliver, in the admirably-sketched character of the grovelling Irish place-hunter, Counsellor Con Crawley, in *Florence MacCarthy*; and the living prototype was at once recognised as Croker, who winced more under that witty and satiric caricature than under any of the direct attacks which had been made upon him. In Thackeray's popular novel of *Vanity Fair*, Croker is also pilloried as Mr. Wenham, the Cockney pronunciation for "Venom." This latter characteristic of the hackneyed scribe is strikingly manifested in his criticisms on the works of writers differing from him in religion or politics.

At that period of its career, *The Nation* was a literary as well as a national paper of high repute, and therein a most capable writer treated *The Quarterly* article as it deserved, soon after the publication. However, I have read the latter over very carefully, and as no allusion occurs in it to Moore's religious belief, and as Croker did not afterwards introduce any review of those volumes, v., vi., vii., and viii., which appeared in succession, from 1854 to 1856—the year of his death was 1857—we may fairly suppose he must be acquitted of any charge that could be fastened on him, for originating or circulating the calumny regarding Moore's alleged apostacy from the faith.

It is now nearly forty years ago, since I first heard an interesting anecdote regarding Moore's intention to have complied with the obligation of receiving Holy Communion at Easter, and that, as I believe, on the year previous to his death. It was told at a dinner table in Rathmines Presbytery, by the late Venerable Dean of the Dublin Diocese, Monsignor William Meagher, D.D., to a number of priests then and there assembled. He was also one of those who dined with Moore, on the 18th of August, 1835, when the Rev. Mr. Cooper, and the clergy of Marlborough-



street, Dublin, furnished the entertainment, and having a large party assembled, including the Most Rev. Archbishop Daniel Murray, a good many priests, and a few laymen. This event and the evening's conviviality are briefly noted by the poet in his *Memoirs*.

Many years passed over, and I had only a confused recollection of details in the Venerable Dean Meagher's former narrative, when the Moore centenary celebration of the poet's birth-day in Dublin was approaching, in 1879. On the 26th of May in that year, having occasion to visit Dr. Meagher at his home in Rathmines, I took advantage of a conversation on the topic then engaging such patriotic interest, to remind him of the anecdote he had formerly related, and asked him to repeat it. He most willingly complied, and with eager attention I listened to the following narrative :—A former Vicar-General of the Diocese of Limerick told Dean Meagher that he heard from the priest who had charge of the English mission in which Sloperon Cottage was included, that he was intimate with Thomas Moore, and had sometimes dined in his house. That priest stated likewise, he watched with great concern the declining state of the poet's health some few years before his death, which occurred on the 26th of February, 1852. He knew that Moore, however grounded in his religious convictions, had been remiss for a long time in the discharge of his religious duties; so that, when his intellect and memory became clouded, the priest greatly feared that the poet might pass away without an administration of the sacraments of the Church.

During that time Moore had often intervals of rational revival and recollection, which gave some hope of partial recovery to his friends. He was able to recreate himself by taking short walks in the fields and on the roads in the neighbourhood of his cottage. On one of these occasions he was met by the priest, while quite lively and cheerful, when a friendly conversation ensued. It was the only opportunity likely to be afforded him for touching on a subject of great seriousness, and the time for complying with the Easter duty had just then arrived. Accordingly the priest

addressed him persuasively and kindly in such terms as these :—

“Mr. Moore, I know, as an Irish Catholic gentleman, you cannot be unmindful of the fact, that the Church imposes on all her children, at this particular time, the important obligation of receiving Holy Communion ; and for that purpose it is necessary to prepare for it by a good confession, which for you can be no difficult matter ; and I shall lend you every assistance within my power.”

“Indeed [replied Moore] I have been long desiring to do what you require of me, and I will now think seriously of it ; but come over and dine with me to-morrow, and you shall find me in the right frame of mind.”

The priest gladly accepted his invitation, and accordingly arrived at the hour appointed next day. When he came to Sloperton Cottage, however, Mrs. Moore met him, in great trepidation, at the door, threw up her hands, and exclaimed : “O my God ! what have you done on yesterday, to cause the present state of my poor husband ? For, since he told me he met you, he has been almost in a constant state of delirium, and he is now in bed, too ill to see any person.” Nevertheless the priest was admitted to the poet's bedroom, and to his great sorrow found Moore in an unconscious state. Nothing could be done to alleviate his mental condition ; but the priest drew an inference, that the effort to prepare for a general confession proved too much for his weak memory, and caused the result so much to be deplored.

This was all Dean Meagher could then state with certainty. Lest I should again forget the foregoing particulars which had never been published, on returning home that very evening, I noted them down while they were fresh in my memory, and hoping for a future opportunity to place them on record. They have now been, as I believe, for the first time printed.

A very short time previous to the conversation which has been reported, Mr. Maurice Lenihan, proprietor and editor of the *Limerick Vindicator and Reporter*, delivered a most interesting lecture on Thomas Moore, before the Catholic Young Men's Society, in that city. In his lecture it was stated that Moore received the consolations of the Catholic

religion before his death. Perhaps Mr. Lenihan may have had such an account from the former Vicar-General of Limerick diocese, to whom I have already alluded, and with more particularity in the narrative than Dean Meagher could give from memory. However, Mr. Lenihan is still living, and he may be able to throw additional light on this interesting question.

I have lately taken some pains to ascertain if Thomas Moore had the ministrations of a priest during the closing years of his life, and for that purpose I have written to Rev. Edward B. Edgell, still living, and Rector of Bromham, but I have received no reply since from the rev. gentleman. I then addressed the Rev. Joseph Bouvard, the resident priest, at Devizes, and I was informed by him, that the Catholic mission had not been established there until 1862, ten years later than the poet's death. Nor could he give any local tradition on the subject of my inquiries; but he suggested that Bath was probably the nearest Catholic station to Sloperton Cottage, in Moore's time. Accordingly, I wrote to the Rev. Father John Dunstan Sweeney, O.S.B., of St. John's Priory, in that city. In reply, he stated, that from the church register then preserved, there is "no record of anything having been done" for Moore in a religious sense. The hearsay rumours of old residents in Bath is generally supposititious, that he was not a practical Catholic; but one living resident, Edward M'Dermott, M.D., South Circus, who knew and dined with Moore, always understood "that he had lost all practical regard for religion, and that he died *priestless*." We regret being forced to this probable conclusion, in the absence of better evidence than can be at present adduced; yet, there is hardly a doubt, his early and matured instincts attached him to the Church, as may be gleaned from many passages of his writings. The following anecdote, not generally known, should be recorded, and it may serve as an authentic illustration.

In the letter which has been already alluded to, our lady correspondent thus writes:—

"Mr. S. C. Hall made me a present of a tiny ivory crucifix in a little straw box, which had been kept by Moore in a desk that

he habitually used, and as the little box is of foreign make, and the scrap of silk in which the crucifix is wrapped is Chinese, the presumption is, that Moore had the crucifix in his possession when he was abroad. Mrs. S. C. Hall possessed several articles which belonged to Moore, among these his harp, which I have seen many a time placed upon her pianoforte in her drawing-room. I do not know what has become of the harp and other *souvenirs* of Moore, contained in a case. I believe Mr. S. C. Hall's effects were sold after his death."

Those who recollect the incidents of Moore's Centenary Celebration in Dublin have probably seen several of those relics on exhibition in an apartment off the large hall in the present Royal University Buildings, in Earlsfort Terrace, Dublin, where the exquisite Melodies and Songs of the poet were rendered for the general public and to a crowded audience by some of our most celebrated vocalists, during the morning and evening of that day. The present writer had the pleasure of an introduction and some conversation with Mr. S. C. Hall, on that occasion. After the morning's performance, signalized by the splendid oration of Lord O'Hagan, and the recital of Denis Florence M'Carthy's noble Ode, which was rendered such justice to by Rev. Dr. Tisdall's matchless elocution; filled with enthusiasm and veneration for his former friend, Mr. Hall paid a visit to that house in which Moore had been born, then one hundred years before. The proprietor—I am not sure whether he was then a Mr. Healy or a Mr. Keogh—received him with great welcome and warmth, showed him and his companions through all the house, and afterwards bringing him to that room in which the poet was traditionally held to have been born, insisted that Mr. Hall should have something to drink before he left, and to the memory of Thomas Moore. Now, Mr. Hall was a strict teetotaller, and a noted advocate of temperance; but the publican and grocer readily procured a mild beverage for his guest, who went down on his knees, and in a very serious and emotional manner proposed a toast or sentiment to the effect, that he thanked the Almighty for permitting him to see the place where Moore had birth, he being one of the greatest men of genius Ireland had ever produced.

We learn from Moore's Autobiography, that when a boy, his good mother, anxious for everything which regarded his welfare in this world and the next, had selected for his confessor a venerable priest named O'Halloran, who belonged to Townsend-street old chapel, and who bore a very high character. That the duty of confession used to be performed by Moore twice each year is acknowledged, until having entered Trinity College, at the early age of fifteen, in a year or two afterwards, he felt the practice, however salutary, to become irksome, and, notwithstanding his mother's remonstrance, he discontinued it. In those days, religious observances were not so frequent, and religious organization was not so perfect in the Catholic parishes and churches of Dublin as they have since become, while neglect of the sacraments was but too prevalent among professing Catholics; besides the associations and society, with which the young student was surrounded, were sufficiently distracting and demoralizing to account for an indifference, not likely to be removed, when fighting his way to fame through adverse circumstances in London; or, still more so, when, having secured his position as a literary man in public favour, the whirl and seduction of the Protestant and aristocratic society in which he lived, moved, and had his being, were but too strong for a temperament not very seriously occupied with the great affair of salvation. His marriage of affection, when about thirty years of age, with a young and beautiful Irish Protestant wife, Miss Bessy Dyke, and in a Protestant church, still further weakened the sentiment of religion; while her admirable devotion and desire to increase his comforts and temporal interests had established over him such an ascendancy, that he unfortunately yielded assent to having his children brought up and educated as Protestants. Added to all this, except when in London, Moore lived most of his time in districts of England remote from a Catholic church, chapel, or priest. These deterrent and united influences serve greatly to account for his laxity of practice in regard to his religious duties, but do not wholly excuse him. They point a moral, likewise, for those who estrange themselves from the laws and discipline of the Church,

whose faith is professed. Let us hope, however, that if Moore had not the consolations of her ministry on his death-bed, that at least he had early reminiscences and compunctious visitings of conscience during his lucid intervals, in calm and retirement for a few years before his earthly career closed. The earnest desire to repent often leads to a real conversion; nor can we presume to fathom the greatness of God's mercy towards the repenting sinner. Moreover, Moore's services were great and far-reaching for his country and religion. Therefore, should every patriotic Irishman cherish his memory, and every true Catholic feel grateful for those bright effective sallies of wit and satire, so untiringly launched against the calumniators of his creed, and so triumphantly speeding the progress of civil and religious liberty.

JOHN CANON O'HANLON.

## Liturgical Notes

### ANSWERS TO CORRESPONDENTS

#### QUESTIONS ON INDULGENCES AND CONFRATERNITIES

REV. DEAR SIR,—1. Can a priest who has faculties from Rome for indulgencing beads exercise these faculties validly and licitly outside his own diocese?

2. Can a priest who has authority either directly from Rome or from the Bishop of his diocese to impart the *Benedictio in articulo mortis*, confer this indulgence in a diocese through which he happens to be passing, but in which he has no jurisdiction?

3. Do the faculties granted by Rome for indulgencing *Coronae Rosariae, Cruces Crucifixi*, &c., enable the priest to whom such faculties are given to attach to crucifixes—(a) the indulgences of the *Via Crucis*, (b) the indulgence for a happy death? If so, can these indulgences be attached by making the sign of the cross over the crucifix, *nil dicens*?

4. Do the Roman faculties to enrol in all confraternities

approved of by the Holy See, *exceptis Confraternitatibus S. S. Rosarii, &c.*, enable a priest to invest in the cords of St. Francis, St. Joseph, &c.?

By answering the above questions in an early number of the I. E. RECORD, you will greatly oblige.

C.C.

1. To our correspondent's first question we must give a negative reply. The phrase, "*de consensu Ordinarii*," which is invariably to be found in the Roman formula, by which these faculties are granted, requires the consent, not of the bishop of the diocese in which a priest exercises his ministry, but of the bishop of the diocese in which he wishes to exercise these faculties. The term "*Ordinary*," in this and similar contexts, always means the "*Ordinary of the place*" wherein the powers in question are to be used. Otherwise the precaution of the Congregation in requiring the consent of the Ordinary would be unmeaning and practically useless. The object of the Congregation in inserting this condition is to safeguard the rights of bishops, and to secure that no unworthy person may be permitted to exercise these faculties. But this object would be defeated if a priest who had obtained the consent of one bishop, could go about from one diocese to another, and without the consent or knowledge of the bishops—or, even in defiance of them—bless beads, scapulars, medals, &c. This would be a species of anarchy to which no Roman Congregation could or would lend itself. But as *a priori* reasoning, however convincing, may be cavilled at, we will adduce another argument, to which even prejudice can make no reply. In the formula issued from Propaganda granting these faculties to priests in missionary countries, the phrase "*de consensu Ordinarii*" is, as has been said, always to be found. We hold that this phrase is equivalent to this other, "*de consensu Ordinarii loci*," and in the formula which the Congregation of Indulgences itself issues, granting these same faculties, we find this latter form of the phrase employed:—

"S. S. tribuit oratori facultatem, dummodo ad excipiendas confessiones sit approbatus, benedicendi privatim extra Urbem

ac de consensu Ordinarii loci, coronas, rosaria, cruces crucifixos, parvas statuas ac numismata eisque applicandi indulgentias a Sanctitate sua concessas ut in postremo elencho edito typis S. Congreg. de Propaganda Fide, etc."

We give the last words to show that in this formula of the Congregation of Indulgences there is question of the same indulgences and the same faculties given by Propaganda.

2. If in the formula by which the faculties for imparting the *Benedictio in articulo mortis* are granted direct from Rome the consent of the ordinary is required for the exercise of these faculties, then the priest who receives them cannot validly impart this blessing without the consent of the bishop of the diocese in which he is called upon to exercise them. The first reason given in reply to the preceding question holds in this case also. When a bishop grants to a priest of his diocese faculties to impart this blessing, we are of opinion that he neither can nor does intend him to exercise them outside the limits of his diocese. Hence to both parts of this second question we must give a negative reply. But priests should bear in mind that there are many ways of gaining a plenary indulgence at the moment of death in addition to this blessing. For instance, dying persons who have about them, or convenient to them in their room, a crucifix, medal, beads, &c., blessed by a priest having the ordinary Propaganda faculties, and who resign themselves to the Divine will, and repeat, at least mentally, the Name of Jesus, gain a plenary indulgence at the moment of death. And since objects blessed in this way are now in the possession of nearly all the faithful, there is no necessity for relying on doubtful or non-existent faculties.

3. (a) The ordinary faculties spoken of here do not empower a priest to indulge crucifixes for the Stations of the Cross. For this special faculties are required, which, as a rule, must be received from the Superior General of the Franciscans.

(b) The "Indulgence for a happy death," we take it, means a plenary indulgence at the moment of death. And



from what has been said in our reply to the second question, it follows that the ordinary faculties do empower a priest to impart such indulgence to a crucifix, or, indeed, to any of the other objects, such as beads, medals, statues, mentioned in the formula. The meaning of this is, as we have already stated, that dying persons possessing one of these objects, and having it about them or convenient to them at the time of death, can, by making the usual acts, gain a plenary indulgence at the moment of death. This is a subject on which the faithful should be well instructed, and it should be impressed upon them, that, in order to gain this indulgence, the crucifix, beads, &c., should belong to the dying person, in the sense that since they were blessed they have not been used for gaining an indulgence by any person other than the dying person.

The latter indulgence can be attached to the specified objects by merely making the sign of the cross over them. It is usual, but not necessary, to say while making the sign of the cross, *In nomine Patris*, &c., and afterwards to sprinkle the objects with holy water.

4. We are of opinion that the faculties spoken of here do not empower a priest to invest in the cord either of St. Joseph or of St. Francis. For, in the first place, in order to gain the indulgences attached to the wearing of these cords, it is necessary to be a member of the Confraternity of St. Joseph, and of the Confraternity of the cord of St. Francis. But these confraternities, in order to be validly erected, must be aggregated respectively to the archconfraternities of the same name. Hence, the faculties required by the directors of the confraternities come directly from the director of the archconfraternity; and, moreover, would be superfluous if coming from any other source.

#### THE PRAYER "EN EGO"

##### BLUE SCAPULAR OF THE IMMACULATE CONCEPTION

REV. DEAR SIR,—Can the plenary indulgences attached to the prayer *En Ego*, after Mass or Communion, be gained twice on the same Sunday by priests who celebrate two Masses on that day?

Those who wear the Blue Scapular of the Immaculate

Conception can gain many indulgences. They can also gain the indulgences granted to those who visit the Sacred Basilicas at Rome, the Church of Portuncula, of St. James of Compostella, and of the Holy Land, by reciting six *Paters*, *Aves*, and *Glorias* in honour of the Most Holy Trinity and of Mary Immaculate. Kindly enlighten me on the following questions :—

(a) Is it necessary to add prayers for the Pope's intention ?

(b) Secondly, can the indulgences be gained as often as the "six *Paters*," &c., are said, or only once a day ?

A MISSIONARY PRIEST.

1 It would seem reasonable to conclude that a priest who says two Masses on a Sunday can gain twice on that day the indulgence of the *En Ego* ; for the only conditions for gaining this indulgence are confession, communion, the recital of the prayer itself before a crucifix, and of some additional prayers for the intentions of the Pope. The question supposes the condition of confession to have been fulfilled, and in the hypothesis made the priest must receive communion twice ; hence by reciting the *En Ego* twice, and by praying twice for the intentions of the Pope, he will have fulfilled all the conditions for gaining the indulgence twice ; and should, therefore, gain it, unless the Popes, in granting or confirming this indulgence, intended that it should be gained only once a day. But we have not been able to discover any trace of an intention or desire, on the part of any of the Popes whose names are connected with this indulgence, so to restrict it. Hence we consider it highly probable, though not quite certain, that a priest may gain this indulgence twice on a day on which he celebrates two Masses, provided, of course, that he fulfils all the other conditions.

2. (a) To gain the extraordinary indulgence, of which there is question here, it is only necessary for persons wearing the blue scapular to recite the *Our Father*, *Hail Mary*, and *Glory* six times. These prayers should, however, be said "in honour of the Most Holy Trinity and of the Immaculate Virgin Mother of God," and should be offered with the intention of demanding from God "the extirpation of heresies, the exaltation of our Holy Mother the Church,

and peace and union amongst Christian princes." But no separate prayers for the intentions of the Pope, or for any other intention, are required. The following decree<sup>1</sup> of the Congregation of Indulgences leave no room for doubt on these points :—

An sodales scapularis caerulei immaculatae Conceptionis recitando sex *Pater, Ave, et Gloria* in honorum sanctissimae Trinitatis et Deiparae Virginis immaculatae, orando pro haeresum extirpatione, exaltatione S. Matris Ecclesiae, atque Christianorum Principum pace et concordia omnes lucrificent indulgentias septem Basilicarum Romae, Portiunculae, Jerusalem, et S. Jacobi, de Compostella? *Affirmative.*

An ad easdem lucrandas indulgentias recitare sufficiat sex tantum *Pater, Ave, et Gloria*, ita ut necesse minime sit alias preces addere, prouti in indulgentiarum concessionibus atque rescriptis orandi per aliquod temporis spatium juxta intentionem Pontificis, seu pro haeresum extirpatione, exaltatione S. Matris Ecclesiae, atque christianorum Principum pace et concordia etc, injungi consuetum est? *Affirmative.*

(b) There are various opinions and shades of opinion as to whether these indulgences can be gained *toties quoties*—that is, as often in the day as one wearing the blue scapular recites the prescribed prayers—or only once each day. The result of this variety of opinion is to render the matter doubtful. At Rome, according to Lehmkuhl, the negative opinion prevails, though he himself is in favour of the affirmative. We will briefly summarize the arguments, and leave our readers to judge for themselves.

The very question we are now discussing was submitted to the Congregation of Indulgences; and their reply, dated April 14, 1856,<sup>2</sup> would seem at first sight to decide the question in the affirmative; or, in other words, to declare that the indulgences can be gained *toties quoties*.

An indulgentias, de quibus in superioribus dubiis [*i.e.*, the indulgences of which we are now speaking], lucrentur [sodales caerulei scapularis] *toties quoties*, et an in quocunque loco preces ipsas fuderint?

*Affirmative juxta votum Consultoris, nempe servato decreto*

<sup>1</sup> *Decr. Auth.*, 374, 2, 4.

<sup>2</sup> *Decr. Auth.* 374, 3.

Sacrae Congregationis die 7 Martii 1678 approbato ab Innocenti XI., cujus initium *Delatae saepius*.

But on turning to the decree,<sup>1</sup> referred to in the reply as modifying the concession *toties quoties*, we find an explicit declaration to the effect that a plenary indulgence attached to visiting a church, or to the performance of any other pious work, can be gained only once in the day.

"... *semel . . . autem dumtaxat in die* plenariam indulgentiam in certos dies ecclesiam visitantibus concessam, vel aliud pium opus peragentibus lucriferi."

Now this decree, instead of merely modifying the concession *toties quoties*, would seem to completely nullify it. This, however, cannot be admitted; otherwise we should have to accuse the Congregation of issuing a self-destructive decree in 1856, or of being ignorant of the significance of the decree of 1678, which they refer to as a guide for the interpretation of the decree of 1856. How, then, is the apparent contradiction to be explained, and what is the effect of the concession *toties quoties* of 1856?

One explanation is, that the decree of 1678, declaring that plenary indulgences can be gained only once in the day, refers only to indulgences *for the living*. If this explanation be correct, it would follow, from the concession of 1856, that a person wearing the blue scapular could gain these indulgences *toties quoties* for the souls in purgatory, as well as once in the day for themselves. Nor is this explanation a merely arbitrary one; it is suggested by a statement made in one of the authentic publications of the Congregation of Indulgences, the *Rescripta Authentica*. In this work is published a summary of the indulgence which can be gained by those who wear the blue scapular. Among the others mention is made of the indulgences at present under discussion; and of these it is stated:—

"Toties quoties acquiri posse, et in quocumque loco preces fuderint (sodales) servato decreto Sacrae Congregationis Indulgentiarum die 7 Martii 1678," &c.

<sup>1</sup> *Decr. Auth.*, 18.

And, in a note, the following statement is made regarding this decree of 1678:—

“Juxta memoratum decretum indulgentia plenaria *pro vivis concessa* in diem certum, ecclesiam locumve visitantibus, non acquiritur nisi semel in die.”

Lehmkuhl adopts this explanation, and suggests a very ingenious reason for the exclusion of the words “*pro vivis*” from the decree itself of 1678. That decree, which we here repeat for convenience of reference, states:—

“Semel autem dumtaxat in die plenariam indulgentiam in certos dies ecclesiam visitantibus concessam, vel aliud pium opus peragentibus lucriferi.”

Now, argues Lehmkuhl, the Congregation of Indulgences, when issuing this decree, was well aware that decrees which restrict favours are to be interpreted most strictly. Hence, while wishing to restrict the gaining of a plenary indulgence attached to the performance of certain good works to one time each day for the living, while permitting it to be gained *toties quoties* for the dead, the Congregation used the word *lucriferi*, which, in its strict sense, means to gain or acquire something for oneself. In this theory the interpretation of the above decree would coincide with that already given, and would, therefore, justify us in saying that these indulgences can be gained *toties quoties* for the dead, though only once each day for oneself.

Another explanation is suggested by the words *in certos dies ecclesiam visitantibus*, of the above decree of 1678. There are, we know, in addition to the ordinary indulgences which can be gained on any day by visiting the Basilicas of Rome, &c., certain special indulgences which can be gained by visiting them on days of special devotion. It may be, then, that the indulgences which can be gained only once in the day are these special indulgences; for to them only is applicable the words of the decree, *plenariam indulgentiam in certos dies ecclesiam visitantibus concessam*. Hence, the concession *toties quoties* of 1856, interpreted by the aid of this decree, would mean that whereas these special indulgences can be gained only once in the day, the ordinary indulgences can be gained as often in the day as the prayers

are said. But, after all has been said, it must be admitted that it is doubtful whether the plenary indulgence attached to these prayers can be gained more than once in the day, either for oneself or for the dead. "*At re manente dubia*," concludes Lehmkuhl, "*authentica decisio desideratur*."

It should, however, be borne in mind by all who wear the blue scapular, that, whatever may be said about gaining *toties quoties* the plenary indulgence or indulgences attached to the six *Our Fathers*, *Hail Marys*, and *Glory be to the Fathers*, it is quite certain the partial indulgences can be gained *toties quoties*; and these partial indulgences alone, are so many and so generous, that they will repay one for the frequent recital of the prescribed prayers.

D. O'LOAN.

## Documents

PERMISSION GRANTED BY THE HOLY SEE TO THE BISHOPS OF IRELAND TO SUBDELEGATE THEIR POWERS OF ABSOLVING IN CASES OF "OCCULT HERESY"

BEATISSIME PATER,

Cardinalis Archiepiscopus Armakanus et Primas totius Hiberniae a S. V. humillime petit pro se et coeteris illius Regni Episcopis facultatem subdelegandi sacerdotibus idoneis eorum diocesium potestatem absolvendi ab heresi occulta omnibus Episcopis Hiberniae per formulam 6<sup>am</sup> concessam.

Ratio potissima est quia subdelegatio vi ejusdem formulae concessa, videtur restricta ad duos sacerdotes in qualibet civitate vel oppido insigni, dum in Hibernia hujusmodi civitates vel oppida pauca sint relative ad parochias et ad populationem. Et quamvis supponi possit ut plurimum fideles ob ignoratam censuram illam non incurrisse, tamen res est quam maxime scrupulis obnoxia et non parvas anxietates tum confessoribus, tum ipsis Episcopis gignit.

*Feria VI. die 25 Januarii 1895.*

SS<sup>mus</sup> D. N. Leo, div. prov. P.P. XIII., in audientia r. p. d. Adessori S.O. impertita benigne annuit pro gratia juxta preces. Contrariis quibuscumque non obstantibus.

J. MANCINI, S. R. ET U. GIVAT.

SANCTISSIMI DOMINI NOSTRI LEONIS DIVINA PROVIDENTIA PAPAE XIII.  
EPISTOLA AD ARCHIEPISCOPOS ET EPISCOPOS FOEDERATARUM  
AMERICA SEPTENTRIONALIS CIVITATUM

VENERABILIBUS FRATRIBUS ARCHIEPISCOPIIS ET EPISCOPIIS FOEDERATA-  
TARUM AMERICA SEPTENTRIONALIS CIVITATUM

LEO PP. XIII.

VENERABILES FRATRES SALUTEM ET APOSTOLICAM BENEDICTIONEM

Longinqua oceani spatia animo et cogitatione traicimus : et quamquam vos allocuti alias scribendo sumus, maxime quoties ad episcopos catholici orbis communes litteras pro auctoritate dedimus, modo tamen affari vos separatim decrevimus, hoc videlicet concilio ut prodesse aliquid catholico nomini apud vos, Deo volente, possimus. Idque summo studio curâque aggredimur : propterea quod et plurimi facimus et magnopere diligimus americanum, validum iuventâ, genus : in quo plane non civilis tantummodo, sed christianae etiam rei cernimus animo incrementa latentia.

Exitum quarti ab explorata America saeculi cum tota gens vestra haud multo ante gratâ recordatione atque omni significatione, ut erat dignum, concelebraret, Nos item auspicatissimi facti memoriam vobiscum recolimus communionem laetitiae et similitudine voluntatis. In illoque tempore vota quidem pro incolumitate et magnitudine vestra absentes fecisse, haud satis habuimus : in optatis erat coram, aliqua ratione, vobis adesse gestientibus : ob eam rem libentes, qui gereret personam Nostram, misimus.

Quae vero in illa celebritate vestra fecimus, non iniuria fecimus : quia americanum genus, vix editum in lucem ac prope vagiens in cunis, sinu amplexuque suo Ecclesia parens excepit. Quod enim alias datâ operâ demonstravimus, navigationum laborumque hunc in primis fructum Columbus petiit, aditum christiano nomini per novas terras novaque maria patefacere : qua in cogitatione constanter inhaerens, quibuscumque appulsus oris, nihil habebat antiquius, quam ut Crucis sacrosanctae simulacrum defigeret in littore. Quapropter sicut arca Noetica, exundantes supergressa fluctus, semen vehebat Israelitarum cum reliquiis generis humani, eodem modo commissae oceano Columbianae rates et principium magnarum civitatum et primordia catholici nominis transmarinis oris invexere.

Quae postea consecuta sunt, non est huius loci singula persequi. Certe repertis ab homine Ligure gentibus, etiam tum agrestibus, evangelium maturime illuxit. Satis enim est cognitum quot e Franciscana familia, item ex Dominicana et Loiolaea, duobus continentibus saeculis, istuc navigare huius rei gratia consueverint, ut deductas ex Europa colonias excolerent, sed in primis et maxime ut ad christiana sacra indigenas ex superstitione traducerent, consecratis non semel cruento testimonio laboribus. Nova ipsa oppidis vestris compluribus et fluminibus et montibus et lacubus imposita nomina docent perspicueque testantur, Ecclesiae catholicae vestigiis vestras penitus impressas origines. Neque illud fortasse sine aliquo divinae providentiae consilio factum, quod heic commemoramus: cum americanae coloniae libertatem ac principatum, adiuvantibus hominibus catholicis, adeptae, in rempublicam coaluere iure fundatam, tunc apud vos est ecclesiastica hierarchia rite constituta: et quo tempore magnum Washingtonum ad gubernacula reipublicae admovit populare suffragium, eodem pariter tempore auctoritate apostolica primus est Americanae Ecclesiae episcopus praepositus. Amicitia vero consuetudoque familiaris, quam alteri cum altero constat intercessisse, documento videtur esse, foederatas istas civitates concordia amicitiaeque coniunctas esse Ecclesiae catholicae oportere. Neque id sane sine caussa. Non enim potest nisi moribus bonis stare res publica; idque acute vidit edixitque primarius ille civis vester, quem modo nominavimus, in quo tanta fuit vis ingenii prudentiaeque civilis. Sed mores bonos optime et maxime continet religio, quippe quae suapte naturam principia cuncta custodit ac vindicat ex quibus officia ducuntur, propositisque ad agendum momentis maximis, iubet cum virtute vivere, peccare vetat. Quid autem est Ecclesia aliud, nisi societas legitima, voluntate iussuque Iesu Christi conservandae morum sanctitati tuendaeque religioni condita? Hanc ob rem, quod saepe ex hoc pontificatus fastigio persuadere conati sumus, Ecclesia quidem, quamquam per se et naturam suam salutem spectat animorum, adipiscendamque in caelis felicitatem, tamen in ipso etiam rerum mortalium genere tot ac tantas ultro parit utilitates, ut plures maioresve non posset, si in primis et maxime esset ad tuendam huius vitae, quae in terris degitur, prosperitatem instituta.

Progredientem rem publicam vestram atque in meliorem statum volucris itinere venientem, nemo non vidit: idque in iis



etiam rebus quae religionem attingunt. Nam quemadmodum ingenti commodorum potentiaeque accessione, unius conversione saeculi, crevere civitates, ita Ecclesiam cernimus ex minima tenuissimaque magnam perceleriter effectam et egregie florentem. Iamvero si ex una parte auctae opes copiaeque civitatum merito americani generis ingenio atque operosae sedulitati referuntur acceptae : ex altera florens rei catholicae conditio primum quidem virtuti, sollertiae, prudentiaeque tribuenda Episcoporum et Cleri : deinde vero fidei munificentiaeque catholicorum. Ita singulis ordinibus pro virili parte adnitentibus, licuit vobis res innumera-biles pie atque utiliter instituere ; aedes sacras, ludos litterarios pueris instituendis, domicilia maiorem disciplinarum, domos hospitales plebi excipiundae, valetudinaria, coenobia. Quod vero propius ad culturam attinet animorum, quae christianarum exercitatione virtutum continetur, plura Nobis comperta sunt, quibus et spe erigimur et gaudio complemur : scilicet augeri gradatim utriusque ordinis Clericos : in honore esse pia collegia sodalium. vigere scholas *curiales catholicas*, scholas *dominicas* doctrinae christianae tradendae, scholas *aestivas* ; consociationes ad suppetias mutuo ferendas, ad inopiam levandam, ad victus temperantiam tuendam : his accedere multa pietatis popularis argumenta.

Harum felicitati rerum non est dubium plurimum iussa ac decreta conducere Synodorum vestrarum, earum maxime, quas posteriore tempore Sedis Apostolicae vocavit et sanxit auctoritas. Sed praeterea, libet enim id fateri quod est, sua debetur gratia aequitati legum, quibus America vivit, moribusque bene constitutae rei publicae. Hoc enim Ecclesiae apud vos concessum est, non repugnante temperatione civitatis, ut nullis legum praepedita vinclis, contra vim defensa iure communi iustitiâque iudiciorum, tutam obtineat vivendi agendique sine offensione facultatem. Sed quamquam haec vera sunt, tamen error tollendus, ne quis hinc sequi existimet, petendum ab America exemplum optimi Ecclesiae status : aut universe licere vel expedire, rei civilis reique sacrae distractas esse dissociatasque, more americano, rationes. Quod enim incolumis apud vos res est catholica, quod prosperis etiam auctibus crescit, id omnino fecunditati tribuendum, qua divinitus pollet Ecclesia, quaeque si nullus adversetur, si nulla res impedi-mento sit, se sponte effert atque effundit ; longe tamen uberiores editura fructus, si, praeter libertatem, gratiâ legum fruatur patro-cinioque publicae potestatis.

Nos vere, quoad per tempora licuit, conservare ac fundare firmius rem catholicam apud vos, numquam praetermisimus.—Hac de caussa duas potissimum res, quod probe nostis, aggressi sumus: alteram, provehere studia doctrinarum: alteram, rei catholicae efficere administrationem plenioram. Scilicet etsi universitatis studiorum domicilia plura numerabantur, eaque insignia, faciendum tamen duximus, ut unum aliquod existeret Sedis Apostolicae auctoritate institutum, idemque omni iure legitimo a Nobis auctum: in quo doctores catholici studiosos sciendi erudirent, principio quidem philosophicis ac theologicis, deinde vero, ubi res et tempora siverint, ceteris quoque disciplinis, iis nominatim quas nostra aut peperit aut perfecit aetas. Omnis enim eruditio manca sit, si nulla recentiorum disciplinarum accesserit cognitio. Videlicet in hoc tam celeri ingeniorum cursu, in tanta cupiditate sciendi tam late fusa, eademque per se laudabili atque honesta, anteire decet catholicos homines, non subsequi: ideoque instruant se oportet ab omni elegantia doctrinae, acriterque exerceant animum in exploratione veri, et totius, quoad potest, indagatione naturae. Quod omni tempore idem Ecclesia voluit: ob eamque rem ad proferendos scientiarum fines omnino tantum conferre consuevit, quantum opera et contentione potuit. Igitur per litteras die VII Martii an. MDCCCLXXXIX ad vos, Venerabiles Fratres, datas Gymnasium magnum cupidae maiorum disciplinarum iuventuti rite constituimus Washingtoni, in urbe principe; quam quidem peropportunam fore sedem studiis optimis, vosmetipsi maximo numero significastis. De qua re ad venerabiles fratres Nostros S. R. E. Cardinales cum referremus in Consistorio,<sup>1</sup> velle Nos declaravimus, legis instar eo in gymnasio haberi, ut eruditio et doctrina coniungatur cum incolumitate fidei, neque minus ad religionem quam ad artes optimas informetur adolescentes. Idcirco rectae studiorum rationi, ac disciplinae alumnorum tuendae praeesse iussinus fœderatarum civitatum Episcopos, collata Archiepiscopo Baltimorensi Cancellarii, ut loquuntur, potestate ac munere. Et initia quidem, Dei beneficio, satis laeta. Nulla enim interiecta mora, cum saecularia sollemnia ob memoriam ecclesiasticae Hierarchiae ageritis, exorsae faustis ominibus, praesente Legato Nostro, sacrae disciplinae. Ex eoque tempore elaborare novimus in tradenda theologia spectatos viros, quorum ingenii doctrinaeque laus iusigni erga Sedem Apostolicam fide observantiâque cumulatur. Neque vero

<sup>1</sup> Die xxx Decembr. an. MDCCCLXXXIX.

diu est, cum rescivimus, pii sacerdotis liberalitate extractas ab incohato aedes scientiis litterisque tradendis, clericorum simul et laicorum commodo adolescentium. E cuius viri exemplo facile confidimus sumpturos, quod imitentur, cives: non enim ignota Nobis indoles Americanorum; neque fugere eos potest, quidquid in ea re collocetur liberalitatis, cum maximis in commune utilitatibus compensari.

Ex huiusmodi Lyceis, quae variis temporibus Ecclesia romana aut ipsamet princeps instituit, aut instituta probavit legibusque auxit, nemo est nescius quanta in omnem Europam et doctrinae copia et vis humanitatis effluerit. Hodieque, ut sileamus de ceteris, satis est Lovaniense meminisse: ex quo universa Belgarum gens incrementa petit prosperitatis et gloriae prope quotidiana. Iamvero par ac similis copia utilitatum facile est a magno Lyceo Washingtoniensi consecutura, si doctores pariter atque alumni, quod minime dubitamus, praeceptis Nostris paruerint, iidemque, amotis partium studiis et contentionibus, opinionem sibi a populo, a Clero conciliarint.

Caritati vestrae, Venerabiles Fratres, ac beneficentiae populari commendatum hoc loco volumus Collegium urbanum adolescentibus ex America septentrionali ad sacra fingendis, quod Pius IX. decessor Noster condidit, quodque ipsum Nos, per litteras die *xiv* Octobri mense an. *MDCCCLXXXIV* datas, constitutione legitima firmandum curavimus eo vel maxime quod communem de ipso expectationem haud sane fefellit exitus. Testes estis vosmetipsi, non longo temporis decursu, complures inde exitisse sacerdotes bonos, in iisque nec deesse qui maximos sacrae dignitatis gradus virtute adepti doctrinaque sint. Quare vos omnino arbitramur facturos operae pretium, si perrexeritis lectos adolescentes huc mittere in spem Ecclesiae instituendos: quas enim et ingenii opes et animi virtutes in romana urbe paraverint, eas aliquando explicabunt domi, atque in communem afferent utilitatem.

Simili modo vel inde a Pontificatus exordio caritate permoti, qua catholicos e gente vestra complectimur, de Concilio Baltimorensi *III.* cogitare coepimus. Cumque serius Archiepiscopi, eius rei causa Romam invitatu Nostro istinc advenissent, diligenter ab ipsis, quid in commune consulendum censerent, exquisivimus: postremo quod universis Baltimoram convocatis visum est decernere, id matura consideratione adhibita, ratum esse auctoritate apostolica iussimus. Celeriter autem apparuit operae fructus. Quandoquidem Baltimorensia consulta, salutaria

et valde accommodata temporibus res ipsa comprobavit, comprobatur. Satis iam eorum perspecta vis est ad stabiliendam disciplinam, ad excitandam Cleri sollertiam ac vigilantiam, ad catholicam adolescentis aetatis institutionem tuendam et propagandam. Quamquam his in rebus si vestram, Venerabiles Fratres, agnoscimus industriam, si collaudamus iunctam cum prudentia constantiam, merito vestro facimus : propterea quod plane intelligimus, talium ubertatem honorum nequaquam ad maturitatem tam celeriter atque expedite perventuram fuisse, si vosmetipsi, quae sapienter ad Baltimoram statueratis, ea non sedulo et fideliter exsequi, quantum in sua quisque potestate erat, studuissetis.

Verum absoluto Baltimorensi concilio, reliqua pars erat ut congruens et conveniens quasi fastigium imponeretur operi : quod impetrari vidimus vix posse melius, quam si Apostolica Sedes legationem americanam rite constituisset : eam itaque ut nostis, rite constituimus. Atque hoc facto, quemadmodum alius docuimus, primum quidem testari placuit, in iudicio benevolentiaeque Nostra eodem Americam loco et iure esse, quo ceterae sunt, praesertim magnae atque imperiosae, civitates. Deinde illud quoque spectavimus, ut officiorum et necessitudinum, quae vos, quae tot hominum millia catholicorum cum Apostolica Sede continent, fierent coniunctiora nexa. Revera multitudo catholicorum rem a Nobis peractam intellexit, quam sicut saluti sibi sentiebat fore, ita praeterea in more positam institutoque Sedis Apostolicae cognoverat. Videlicet romani Pontifices, ob hanc causam quod rei christianae administrandae divinitus tenent principatum, suos peregre legatos ad gentes populosque christianos mittere vel ab ultima antiquitate consueverunt. Id autem non extrinsecus quaesito, sed nativo iure suo, quia "romanus Pontifex, cui contulit Christus potestatem ordinariam et immediatam sive in omnes ac singulas Ecclesias, sive in omnes et singulos Pastores et fideles,<sup>1</sup> cum personaliter singulas regiones circuire non possit, nec circa gregem sibi creditum curam pastoralis sollicitudinis exercere, necesse habet interdum *ex debito impositae servitutis*, suos ad diversas mundi partes, prout necessitates emergerint, destinare legatos, qui *rices eius supplendo*, errata corrigant, aspera in plana convertant et commissis sibi populis salutis incrementa ministrent."<sup>2</sup>

<sup>1</sup> Conc. Vat. Sess. iv. c. 3.

<sup>2</sup> Cap. un Extravag. Comm. *De Consuet.* l. I.

Illa vero quam iniusta et falsa suspicio, si qua foret uspiam, demandatam Legato potestatem potestati officere episcoporum. Sancta Nobis, ut nulli magis, eorum iura sunt, quos *Spiritus sanctus posuit episcopos regere Ecclesiam Dei*, eaque permanere integra in omni gente, atque in omni regione terrarum et volumus et velle debemus: praesertim quod singulorum dignitas episcoporum eum dignitate romani pontificis ita naturâ contextitur, ut alteri necessario consulat, qui alteram tueatur. *Meus honor est honor universalis Ecclesiae Meus honor est fratrum meorum solidus vigor. Tum ego vero honoratus sum, cum singulis quibusque honor debitus non negatur.*<sup>1</sup> Quare Legati Apostolici, qualicumque dēum potestate augeatur, cum haec persona atque hae partes sint, Pontificis a quo mittitur, mandata facere et voluntatem interpretari, tantum abest ut ordinariae potestati episcoporum quicquam pariat detrimenti, ut potius firmamentum ac robur sit allaturus. Eius quippe auctoritas non parum est habitura ponderis ad conservandam in multitudine obedientiam; in Clero disciplinam debitamque Episcopis verecundiam; in Episcopis caritatem mutuum cum intima animorum coniunctione. Quae quidem tam salutaris tamque expetenda coniunctio, cum in hoc potissimum sita sit et sentire concorditer et agere, plane efficiet, ut quisque vestrum in administratione rei dioecesanae suae diligenter versari pergat: nemo alterum in regundo impediat: de alterius consiliis actisque nemo quaerat: universique, sublatis dissidiis retinendaque invicem observantia, provehere Ecclesiae americanae decus et commune bonum summa virium conspiratione nitamini. Ex qua Episcoporum concordia dici vix potest quanta non modo salus in nostros manabit, sed et in reliquos vis exempli: quippi qui facile vel hoc ipso argumento perspicient in Episcoporum catholicorum ordinem vere divinum apostolatum hereditate transisse. Est praeterea aliud magnopere considerandum. Consentiunt prudentes viri, quod Nosmetipsi paulo ante indicavimus, nec sane inviti, reservatam ad maiora Americam videri. Atqui huius, quae prospicitur, magnitudinis participem eandemque adiutricem Ecclesiam catholicam volumus. Nimirum ius esse atque oportere iudicamus, eam una cum republica pleno gradu ad meliora contendere, utendis videlicet opportunitatibus, quas afferat dies: eodemque tempore dare operam, ut virtute institutisque suis prosit quam maxime potest incrementis civitatum.

<sup>1</sup> S. Gregorius Epist. ad Eulog. Alex. lib. viii., ep. 30.

Sed omnino utrumque est tanto facilius cumulatiusque consecutura, quanto constitutam melius futura tempora offenderint. Iamvero quid sibi vult legatio, de qua loquimur, aut quid spectat tamquam finem, nisi hoc efficere, ut Ecclesiae sit constitutio firmitior, disciplina munitior?

Quod ita cum sit, valde velimus hoc in animos catholicorum quotidie altius descendat, nec sibi privatim consulere se posse rectius, nec de salute communi melius mereri, quam si Ecclesiae subesse atque obtemperare toto animo perrexerint.

Quamquam hac illi in re vix indigent hortatione: solent enim sua sponte et laudabili constantia ad instituta catholica adhaerescere. Rem unam eamque maximi momenti et saluberrimam in omnes partes libet recordari hoc loco, quae fide moribusque sancte apud vos, uti aequum est, generatim retinetur: dogma christianum dicimus de unitate et perpetuitate coniugii: in quo non societati dumtaxat domesticae, sed etiam coniunctioni hominum civili maximum suppeditat vinculum incolumitatis. De civibus vestris, de iis ipsis qui nobiscum cetera dissident, catholicam hac de re doctrinam catholicumque morem non pauci mirantur ac probant, videlicet perterriti licentia divortiorum. Quod cum ita iudicant, non minus caritate patriae ducuntur, quam sapientiâ consilii. Vix enim cogitari potest capitalior civitati pestis, quam velle, dirimi posse vinculum, divina lege perpetuum atque individuum. Divortiorum "caussâ fiunt maritalia foedera mutabilia: extenuatur mutua benevolentia: infidelitati perniciose incitamenta suppeditantur: tuitioni atque institutioni liberorum nocetur: dissuendis societatibus domesticis praebetur occasio: discordiarum inter familias semina sparguntur: minuitur ac deprimitur dignitas mulierum, quae in periculum veniunt ne, cum libidini virorum inservierint, pro derelictis habeantur. Et quoniam ad perdendas familias, frangendasque regnorum opes nihil tam valet quam corruptela morum, facile perspicitur prosperitati familiarum ac civitatum maxime inimica esse divortia."<sup>1</sup>

De rerum genere civili, compertum est atque exploratum, in re publica praesertim populari, cuiusmodi vestra est, quanti referat probos esse ac bene moratos cives. In libera civitate, nisi iustitia vulgo colatur, nisi saepius ac diligenter ad evangelicarum praecepta legum multitudo revocetur, potest ipsa esse

<sup>1</sup> Enc. Arcanum.

perniciosa libertas. Quotquot igitur ex ordine Cleri in erudienad multitudine elaborant, hunc locum de officiis civium enucleate pertractent, ut id persuasum penitusque comprehensum animo habeant universi, in omni munere vitae civilis fidem praestari, abstinentiam, integritatem oportere: quod enim privatis in rebus non licet, id nec in publicis licere. De hoc genere toto in ipsis encyclicis litteris, quas in Pontificatu maximo subinde conscripsimus, complura, ut nostis, praesto sunt, quae sequantur et quibus pareant catholici. Libertatem humanam, praecipua christianorum officia, principatum civilem, civitatum constitutionem christianam scribendo edisserendoque attigimus, depromptis cum ex evangelica doctrina, tum ex ratione principiis. Qui igitur esse cives probi volunt et in officiis suis cum fide versari, facile sumant ex litteris Nostris formam honestatis. Simil modo insistant sacerdotes Concilii Baltimorensis III statuta ad populum meminisse: ea maxime quae de virtute temperantiae sunt, de catholica adolescentium institutione, de frequenti sacramentorum usu, de obtemperacione iustis legibus institutisque reipublicae.

De ineundis quoque societatibus diligentissime videndum ne quis errore fallatur. Atque hoc intelligi nominatim de opificibus volumus: quibus profecto coire in sodalitia utilitatum sibi comparandarum gratia, ius est, libente Ecclesia, nec repugnante natura: sed vehementer interest, quibuscum sese coniungant, ne ubi rerum meliorum adiumenta requirunt, ibi in discrimen vocentur bonorum multo maximorum. Huius discriminis maxima cautio est ut secum ipsi statuunt, numquam commissuros ut ullo tempore ullâve in re iustitia deseratur. Si qua igitur societas est, quae a personis regatur non recti tenacibus, non religioni amicis, eisque obnoxie pareat, obesse plurimum publice et privatim potest, prodesse non potest. Maneat ergo, quod consequens est, non modo fugere consociationes oportere Ecclesiae iudicio aperte damnatas, sed eas etiam, quae prudentium virorum maximeque Episcoporum sententiâ, suspectae periculosaeque habeantur.

Imo vero, quod est valde ad fidei incolumitatem conducibile, malle catholici debent cum catholicis congregari, nisi fieri secus coegerit necessitas. Sibi vero inter se societate conglobatis praeesse sacerdotes aut laicos probos atque auctoritate graves iubeant: iisque consilio praeiungentibus, consulere ac perficere pacate nitantur quod expedire rationibus suis videatur, ad normam potissimum praeceptorum quae Nos litteris encyclicis *Rerum novarum* consignavimus. Hoc vero numquam sibi

patiantur excidere, vindicari et in tuto poni iura multitudinis rectum esse atque optabile, verumtamen non praetermittendis officiis. Officia vero permagna ea esse, aliena non tangere; singulos esse sinere ad suas res liberos; quominus operam suam collocare queat ubi libet et quando libet, prohibere neminem. Quae per vim et turbas facta superiore anno vidistis in patria, satis admonent americanis etiam rebus audaciam immanitatemque perduellium imminere. Ipsa igitur tempora catholicos iubent pro tranquillitate contendere rerum communium, ideoque observare leges, abhorrrere a vi, nec plura petere quam vel aequitas vel iustitia patiatur.

Has ad res multum sane conferre operae possunt, qui se ad scribendum contulere, maxime quorum in commentariis quotidianis insumitur labor. Haud latet Nos, multos iam in hac palaestra desudare bene exercitatos, quorum laudanda magis est, quam excitanda industria. Verumtamen legendi noscendique cupiditas cum tam vehemens sit apud vos ac tam late pertineat, cumque honorum iuxta ac malorum maximum possit esse principium, omni ope enitendum, ut eorum numerus augeatur, qui scribendi munus scienter atque animo optimo gerant, religione duce, probitate comite. Atque id eo magis apparet in America necessarium propter consuetudinem usumque catholicorum cum alienis catholico nomine: quae certe caussa est quamobrem nostris summa animi provisione constantiæque singulari sit opus. Erudiri eos necesse est, admoneri, confirmari animo, incitari ad studia virtutum, ad officia erga Ecclesiam, in tantis offensionum caussis, fideliter servanda. Ista quidem curare atque in istis elaborare, munus est Cleri proprium idemque permagnum: sed tamen a scriptoribus ephemeridum et locus et tempus postulat, idem ut ipsi contentur, eademque pro caussa, quoad possunt, contendant. Serio tamen considerent, scribendi operam, si minus obfuturam, parum certe religioni profuturam, deficiente animorum idem petentium concordia. Qui Ecclesiae servire utiliter, qui catholicum nomen ex animo tueri scribendo expetunt, summo consensu, ac prope contractis copiis oportet demicare; ut plane non tam repellere, quam inferre bellum, si qui vires discordia dissipant, videantur. Non absimili ratione operam suam ex frugifera et fructuosa in vitiosam calamitosamque scriptores convertunt, quotiescumque consilia vel acta episcoporum ad suum revocare iudicium ausint, abiectæque verecundiæ debitæ, carpere reprehendere: ex quo non cernunt quanta perturbatio ordinis, quot mala gignantur. Ergo meminerint officii, ac iustos modestiae



fines ne transilient. In excelso auctoritatis gradu collocatis obtemperandum Episcopis est, et coveniens consentaneusque magnitudini ac sanctitati muneris habendus honos. Istam vero reverentiam, "quam praetermittere licet nemini, maxime in catholicis ephemeridum auctoribus luculentam esse et velut expositam ad exemplum necesse est. Ephemerides enim ad longe lateque pervagandum natae, in obvii cuiusque manus quotidie veniunt, et in opinionibus moribusque multitudinis non parum possunt."<sup>1</sup> Multa multis locis Nosmetipsi de officio scriptoris boni praecepimus: multa item et a Concilio Baltimorensi III, et ab Archiepiscopis qui Chigagum anno MDCCCLXXXIII convenerant, de communi sententia sunt renovata. Huiusmodi igitur documenta et Nostra et vestra habeant notata animo catholici, atque ita statuunt, universam scribendi rationem eisdem dirigi oportere, si probe fungi officio volunt, ut velle debent.

Ad reliquos iam cogitatio convertitur, qui nobiscum de fide christiana dissentiunt; quorum non paucos quis neget hereditate magis, quam voluntate dissentire? Ut simus de eorum salute solliciti, quo animi ardore velimus ut in Ecclesiae complexum, communis omnium matris, aliquando restituantur, Epistola Nostra Apostolica *Praeclara* nrvissimo tempore declaravit. Nec sane destituimur omni spe: is enim praesens respicit, cui parent omnia, quique animam posuit ut *filios Dei, qui erant dispersi, congregaret in unum*.<sup>2</sup> Certe non eos deserere, non linquere menti suae debemus, sed lenitate et caritate maxima trahere ad nos, omnibus modis persuadendo, ut iuducant animum introspicere in omnes doctrinae catholicae partes, praeiudicatasque opiniones exuere. Qua in re si episcoporum Clerique universi primae sunt partes, secundae sunt laicorum: quippe quorum in potestate est adiuvere apostolicam Cleri contentionem probitate morum, integritate vitae. Exempli magna vis est, in iis potissimum qui veritatem ex animo anquirunt, honestatemque propter quamdam virtutis indolem consecantur, cuiusmodi in civibus vestris numerantur perplures. Christianarum spectaculum virtutum si in obcaecatis inveterata superstitione ethnicis tantum potuit, quantum litterarum monumenta testantur, num in iis, qui sunt christianis initiati sacris, nihil ad evellendum errorem posse censebimus?

<sup>1</sup> Ep. *Cognita Nobis* ad Archiepp. et Epp. Provinciarum Taurinen. Mediolanen. Vercellen. xxv Ian. an. MDCCCLXXXII.

<sup>2</sup> Io. xi. 52.

Denique nec eos praetermittere silentio possumus, quorum diuturna infelicitas opem a viris apostolicis implorat et exposcit: Indos intelligimus et Nigritas, americanis comprehensos finibus, qui maximam partem nondum superstitionis depulere tenebras. Quantus ad excolendum ager! quanta hominum multitudo partis per Iesum Christum impertienda beneficiis!

Interea caelestium munerum auspicem benevolentiae Nostrae testem, vobis Venerabiles Fratres, et Clero populoque vestro. Apostolicam benedictionem peramanter in Domino impertimus.

Datum Romae apud Sanctum Petrum die vi Ianuarii, Epiphania Domini, anno MDCCCXCV., Pontificatus Nostri decimo septimo.

LEO PP. XIII.

LEAVES FROM THE ARCHIVES OF THE "PROPAGANDA"  
1693—1699.

EMO. E RMO. SIGNORE,

Alberto O'Faril Gentilhuomo Ibernese, devotissimo Oratore dell' EE. VV. humilmente gl' espone qualmente havendo tradotto l'opere del Pré Fra Luigi di Granata, la vita della Madonna Santissima, e la dottrina Christiana del Bellarmino dalla lingua Spagnola in Idioma Inglese a beneficio, profitto, e consolatione de' poveri Cattolici Romani che vivono in Ibernia, e altre parti del Nort sotto il dominio de' Luterani e Calvinisti, dove non permettono di publicamente predicare l'evangelio; è necessitato l'oratore partirsi presentemente da Roma per Madrid per terminare l'opera; ma a causa della sua povertà non può mettersi in viaggio, perciò ha presentato memoriale a Mons. Cybo, che nella prossima Congregatione si degnerà leggerlo, dimandando qualche carità: Supplica l'innata pietà dell' E. V. a degnarsi per carità assistere l'oratore col di Lei voto, e proteggere si santa opera (approvata dal Rettor del Collegio Ibernese in Madrid, e da altri Theologi della Natione) a maggior gloria di Dio, e della Beatissima Vergine, come il tutto costa per notaro publico di quella Villa Reale matricolato in Roma, dimorando l'oratore in casa dell' Eccellentissimo Signore Ambasc. Cattolico. Che il tutto &c.

Alla Sacra Congregatione di Propaganda Fide

per

ALBERTO O'FARIL Gentilhuomo Ibernese.

*Lectum.*

A.D. 1693.

*Non est consuetudo.* (Handwriting of Card. Collierdo.)

EMMO. E REVMO. SIGNORE,

Guglielmo Stuart Sacerdote d'origine Scozzese, però nato in Ibernìa di Padre e Madre Luterani della famiglia conosciuta di Stuart humilmente espone a V. E. come assende per presentare un memoriale alla Sacra Congregatione de Propaganda Fide prossima futura per supplicarla, accioche si degni raccomandarlo efficacemente al Signore Cardinale Prodattario di Nostro Signore che lo provveda di qualche Benefitio o Pensione di quelle, che son capaci le loro nationi, per mantenersi nello stato privato Sacerdotale, essendo all'Oratore mancato il sussidio, che gli dava il Conte di Strabane, Barone principale in Ibernìa morto nell'ultima guerra per la Religione Cattolica colla distruzione della Casa, e beni. Supplica humilmente V. E. a compartirgli la sua autorevol protettione, quando si leggerà il di lui memoriale: che della grazia, &c.

All' Emmo. e Revmo. Signore, il Signor Cardinal COLOREDO,  
per

GUGLIELMO STUART Convertito Sacerdote Ibernese.

*Commendetur.* (Handwriting of Card. Collerdo.)

EMMO. E REVMO. SIGNORE

Ugone MacKeane Ibernese alunno del Collegio Ibernese, presente in Curia per lo spazio di anno 28, dalla casa trucidato in tempo di pace dal Principe Orances, come è ben noto a tutta l'Europa, et in particolare al Secretario di Stato sotto l'Araceli; supplica pertanto l'E.V. volerlo raccomandare all'Emo. Sig. Card. Prodattario per qualche provvisione, come hanno havuto altri suoi Paesani per poco tempo presenti in Curia. Che della &c. Vaca un Beneficio semplice nella Collegiata di S. Martino a Lugi, dove sono provisti altri Ibernese anco dal Sig. Cardinale Prodattario.

All'Emo. e Revmo. Signore, il Sig. Cardinale COLOREDO,  
per

Il Sacerdote UGONE MACKEANE Alunno nel Collegio Ibernese.

Junii 1703,

*(To be continued.)*

## Notices of Books

OUTLINES OF DOGMATIC THEOLOGY. Vol. I. By Sylvester J. Hunter, S.J. London: Longmans & Co.

It is the desire of the Church that all who have an opportunity should study her theology. She by no means desires to confine this useful and interesting pursuit of truth to those whose official duty it is, or will be, to teach the truths of faith. Father Hunter, in publishing his present work, has endeavoured to place in the hands of all a suitable means of carrying into effect this wish of the Catholic Church.

The work will, in three volumes, give an outline of the whole course of Dogmatic Theology. The first is now presented to the public. It contains six treatises: The Christian Revelation, The Channel of Doctrine, Holy Scripture, The Church, The Roman Pontiff, and Faith. The author tries to keep aloof as much as possible from questions that are disputed in Catholic Schools. He devotes all his energies to explain Catholic doctrine, and prove it against the many errors that assail it. This is a wise course, considering the end in view. It, however, leaves us little to say about the matter contained in the volume. Hence, we shall speak especially of the method in which Catholic teaching is placed before its readers.

The treatise on the Christian Revelation is not altogether satisfactory. In the first place, the author has failed to give expression to the nature and necessity of Revelation as taught by Catholics in this portion of theology. He confines Revelation to the making known of mysteries. This is clearly a mistake, for many things are revealed that are by no means mysterious—the existence of God for example. He seems to assert, also, in No. 19, that if God had not given to man a state in which the knowledge of the divine mysteries of the Christian Revelation is necessary, there should be no need for revelation. This is not a fact, for revelation is necessary, that men may have such a knowledge of the truths of natural religion as would preserve them from grave error about such things as the nature of God. In the second place, Father Hunter, under the heading, “Nature of a Miracle,” does not give an adequate idea of what a miracle is. The conditions required by him for a true miracle are, that the work be marvellous, outside the ordinary course of

nature, and the work of God. These conditions, if rightly understood, are quite sufficient, but, as explained by the author, they seem insufficient. By "outside the ordinary course of nature," he does not mean "outside the ordinary course of all nature," as philosophers usually understand the expression. This is evident from the fact that he says that such a work may have an angel or an evil spirit for its cause. Moreover, in explaining the third condition, he seems to require, merely as a matter of fact, that God be the cause of the work. No doubt, at the end of the explanation, he calls it supernatural, because it is the work of God; but his explanation does not warrant the use of this word. Besides, he sometimes uses the word "supernatural" in a loose sense for something not required by the constitution of man. In the third place, the author has given no prominence to the proof that is drawn from the Resurrection of our Lord for the truth of the Christian Revelation. There is special reason for taking notice of this omission, for it is stated in the introduction, that the importance of each portion of the work is to be judged from the space allotted to it. Certainly the Resurrection is the most important proof we have for the divinity of our Lord's mission to men.

The treatises on the "Channel of Doctrine" and "Holy Scripture" deserve special praise for the interesting way in which the many useful subjects treated in them are placed before the reader. It may, perhaps, be remarked that too much space is given to the treatise on "Holy Scripture." More than a fourth of the space allowed to that portion of the work which usually comes under the title, "The True Religion," is devoted to this subject. This seems too much for a subject which, however useful and interesting in itself, does not belong directly to Dogmatic Theology.

In the treatise on "The Church," we have noticed only one thing that mars its otherwise uniform excellency. It is the explanation given of a "Property of the Church." He says truly that a property of anything is conceived as not a part of its essence; but he can scarcely be agreed with in laying down that there is no intrinsic reason for the fact that a property is always found with its subject. The author, himself, contradicts this teaching, when afterwards he seeks for reasons from the nature of the Church, why its properties are attributed to it. Again, he says, that a property of the true Church is something that is

always found in the true Church, and never found in a false Church. A property of physical things is not of this kind, why then should it be so with a property of the Church? The author contradicts himself on this point also, for he makes unity as distant from catholicity and Apostolicity a property of the Church; but unity so considered can belong to a false Church, for a false Church can have unity of faith, worship, and government. The truth is, Father Hunter has not made the necessary distinction between positive and negative notes of the Church. A positive note is a property that is peculiar to its subject, while a negative note is a property that is not peculiar to its subject. This distinction would remove the difficulty of the case.

We like very much the treatises on "The Roman Pontiff," and "Faith." The combined order, clearness of explanation, and force of argument evident in them, will recommend them to the reader.

Have said so much about the different portions of the work, it remains to express our opinion of the volume taken as a whole. The end for which it is written deserves the highest praise. The attainment of that end is not prevented by the few mistakes we thought well to point out—their smallness proves this. The general order of the work is admirable. The style is for the most part sufficiently attractive for subjects of the nature discussed in the volume. The arguments are nearly always cogent. Hence its utility, especially in countries where Protestantism is the principal error to be avoided, cannot be doubted.

J. M. H.

**A LIFE'S DECISION.** By T. W. Allies, K.C.S.G. Second Edition. London: Burns & Oates.

In the opening lines of its first chapter, Mr. Allies explains the subject of his book:—

"By what grace of God, by what concurrence of my own will with that grace, by what gradual steps, and amid what conflicting currents of passions, interests, and convictions—being born and bred a Protestant, and having, when my education was completed, after three years' travel in Catholic countries, not only no inclination towards Catholicism, but the strongest prejudice against it—I yet, in after times, when my course in life was taken, when all external well-being and prosperity for myself, my wife, and my children, were inextricably linked with my continuing to be a Protestant; when, moreover, the first affection

of my heart had been given to the Anglican Church, and I had for more than twelve years been one of her ministers, and had found unexpected honour and emolument as such: how, I repeat, after all this, I became what I had once hated—a Catholic; this, for my own remembrance in future years, if God have such in store for me, and still more for my children, who come after me, is the subject of what I am about to write.”

T. W. Allies is the most distinguished survivor of that remarkable band of Oxford men who, by patient inquiry and prayer, found their way from the inmost recesses of Anglicanism into the broad light of Catholic truth. It appears from entries in this book that he was born in 1813. Towards the end of his university course, in 1837, commenced, he tells us, the great change in his moral being which eventually resulted in his conversion. The distinctive mark of this change was that “God, not self, became henceforth the motive of action.” It would seem that before this date he “loved the garish day;” and it is interesting to note that the course of his thought was thus profoundly altered by a very severe trial, the nature of which he does not disclose, but the intensity of which he expresses by calling it a “furnace seven times heated.” Having been ordained a minister of the Church of England, he was appointed chaplain to Bishop Bloomfield, in 1840, and the same year got married to a lady who proved herself worthy of her illustrious husband. “It was in the year 1841,” he writes, “that I began, much to my wife’s discomposure, the unpopular practice of fasting.” His pronounced Puseyite sympathies offended Bishop Bloomfield, who removed him, in 1842, to the remote and obscure living of Saunton, where he remained until 1850, when he entered the Catholic Church. The book is mainly occupied with the history of his mind during this period of eight years. Even in 1842, five years after the great moral change mentioned above, he had not the faintest idea of submitting to Rome.

“At that time [he writes] I was simply an Anglican, though already holding, with the utmost earnestness, certain principles which, fairly and honestly carried out, could not fail to carry me to Catholicism. But of this application of them I can say, with perfect assurance, that I was utterly unconscious. I had an unflinching trust in the position itself of the Anglican Church . . . On looking back, it is one of the hardest things to realize how one could hold *so much*, and *no more*. But the force of habit, prejudice, and calumny is tremendous; and I always seemed parted

from the Catholic Church by an inseparable gulf, so that the thought even of crossing it never occurred. This, I believe, is the main defence of Protestantism to the vast majority of those who profess it."

On the advice of Newman, he commenced in 1842, a study of the fathers. "having bought," he tells us, "a hundred pounds' worth of them at a single stroke." He had not proceeded very far in the examinations of those witnesses of the past when he realized some of the doctrinal and disciplinary anomalies of the Anglican Church. But as yet the idea of deserting her did not occur to him. Newman's conversion in 1845 quickened his spirit of inquiry. "From May, 1845," he writes, "to February, 1848, when deeply moved by the intelligence of Newman's approaching departure from us, I used every means in my power, chiefly by study of the question of the supremacy, to ascertain the truth." His visits to the Catholic churches of the Continent would seem to be the chief means that God made use of to open his eyes to the beauty of Catholic worship. "I came back to Saunton (after a tour on the Continent)," he writes, "possessed with a secret which I had never suspected. To the sight—nay, the hourly, daily, monthly feeling and touch, and taste and smell, of Anglican penury, had succeeded a vision of Catholic wealth." In his journal of a tour in France, published in 1849, he gave expression to Catholic doctrines and sympathies which draw upon him the censure of his bishop, and were interpreted by the public to mean separation from the Anglican communion. The reception of his journal brought home to him that the cardinal heresy to the mind of the Anglican Church was any approach to the doctrine or practice of Rome. In fact, the human cause of his wife's conversion, which was anterior to his own, was the "wretched" intolerance exhibited towards them after this publication. When publishing this journal, he had not resolved on becoming a Catholic. He attributes his conversion not to study, not to the manifest inconsistencies of the Anglican Church, not to her intolerance, not to the attractions of Catholic worship; but, while acknowledging the influence of all those factors in the spiritual evolution of his mind, the final step he attributes to a special grace of God.

"God chose the time, not I. He would not be hurried, lest the conclusion should seem to come from reason rather than from grace. Certain it is that the point at last determining me, and



discovered like a sudden elevation on February 27th, 1850, was equally obvious five years before. . . . Entrance into the Church of God to any living creature is a mere act of sovereign grace. It is in the power of our wills to put an *obex* to this grace; but it is not in the power of the most steadfast will or of the clearest intellect, or of the most honest purpose, all united to make its own way into the Church of God like a conqueror, by the triumphant conclusions of reason."

He adds something very significant:—

"But before I quit this short review I would notice wherein that *obex* consisted, which so long held me back from the truth. Its substratum was that prodigious mass of calumny, wherein Protestantism has involved the Catholic Church. This is the special armour which the spirit of heresy has forged for itself, nor in anything are the power and malice of the devil more apparent than in the defence which he has provided for his offspring. . . . on this basis of calumny is built the whole gigantic framework of prejudice, which rises up and permeates the minds and hearts of Protestants, so that what is begun in simple misapprehension is completed in the affections of the will; and the whole develops into that mightiest power over fallen man, the power of *habit*."

The present is a new and cheap edition of a book which deserves a wider circulation than it has hitherto enjoyed. It would be difficult, we think, to come upon a more reaching criticism of the Anglican position than is to be found in its pages. Nor does the work consist of a dry series of arguments. It has all the interest of an autobiography, and that the personal history of a man whose correspondence included letters from Gladstone, Lord Coleridge, Newman, and Manning; of a clergyman who obeyed his conscience rather than his bishop; of a sincere and candid man who tells the truth even when it is against himself; of an eminent scholar who writes with ease and elegance. Neither is the dramatic element wanting. When the truth became clear to him, he left his home and his friends, "not knowing whither he went." He felt the sundering of ties. "He alone," he tells us, "who has gone through the conflict knows what the strife is—enough to sever the soul from the body, to darken the sun's light, and to banish joy from the world." This "joy of the world," however, he soon forgot in the blessed consciousness of being a child of the true Church, "long sought after, tardily found," which in 1880, thirty years after his

conversion, he thus addresses, in the unchanged vehemence of affection :—

“ O Church of the living God ! pillar and ground of truth, fair as the moon, bright as the sun, terrible as an army in battle array ! O Mother of saints and doctors, martyrs and virgins ! clothe thyself in the robe and aspect, as thou hast the strength of Him whose Body thou art, the Love for our sake incarnate ! shine forth upon thy lost children, and draw them to the double fountain of thy bosom, the well-spring of truth and grace.”

T. P. G.

DE SYSTEMATE MORALI ANTIQUORUM PROBABILISTARUM.  
DISSERTATIO HISTORICO-CRITICA. Franciscus Ter Haar.  
C.SS.R. Tornaci : H. & L. Castermann.

OUR author has spared no pains in collecting various testimonies in regard to the question of *Aequiprobabilism versus Probabilism*. He has given us, in their own words, the opinions of the more famous theologians since the time of Medina, and has classified them as he thought they favoured the principle of *Aquiprobabilism* or *Pure Probabilism*, or doubtfully favoured either. In the end he draws the conclusion, that the authors who favoured *Aquiprobabilism* were more numerous and of greater weight than those who followed *Pure Probabilism*. And this he holds to be the case, even though St. Alphonsus is not included among the *Aquiprobabilists*. With regard to St. Alphonsus himself, Fr. Ter Haar does not see how there can be any doubt that, in his matured system of moral theology, he rejected the doctrine of *Probabilism*, and adhered to that of *Aquiprobabilism*.

The dissertation is able and learned. However, it seems to us that, in practice, with regard to the commencement of an obligation, there are not many acts that the *Probabilists* would allow to be lawful which the *Aquiprobabilists* would hold to be unlawful. For it will not often happen that the opinion in favour of the law is much more probable than the opposite opinion without being, at the same time, morally certain ; and no *Probabilist* would deny that in such a case the law should bind. St. Alphonsus himself seems to understand much the same thing, as in his famous Dissertation, in the year 1762. The difference between the two systems that is most practical is in regard to

the cessation of an obligation ; and of this Fr. Ter Haar says nothing. We hope that at some future date he will give equal pains and thought to this point.

P. M.

ÉTUDE THEOLOGIQUE SUR LES ORDINATIONS ANGLAISES.

Par A. Boudinhon, Professeur de Droit Canon à L'Institut Catholique de Paris.

THIS is one of the many pamphlets called forth by recent discussions on Anglican Orders. To show that Parker's consecration was null, and that the ministerial pretensions of Anglicans are without foundation, is the scope of the present treatise.

Fr. Boudinhon considers the subject under a threefold aspect. He points out, in the first place, that the text of the ordinal employed on the occasion of Parker's supposed consecration is substantially different from that in use in the Latin Church. Unsited to denote the Conference of Orders, it is vain to expect the transmissal of the Episcopal character. But our author goes on to say that a mere accidental difference would in the circumstances produce a like result. This, however, does not seem the common view. A great body of theologians maintain that Christ, being the Author of the sacraments, determined the form of each substantially ; so that a want of agreement in detail, no matter what the tenets of the minister, will prove no obstacle to validity.

The question of the intention of Barlow is treated of in the second portion. In view of the tenets of the consecration, and of the rite employed, Fr. Boudinhon thinks it impossible that a sufficient intention could have been present. But if Barlow wished to act according to the intention of Christ, there seems no reason why the predominance of this desire should not furnish the required intention for the conference of the sacrament.

Whether priesthood is required as a condition to receiving the episcopate, and whether the tradition of instruments, which is wanting in Anglican ordinations, is necessary for ordination to priesthood, are treated of in the last part of the work. It seems to us that the author attaches too much probability to the opinion which says they are not.

The work is an interesting contribution on this vexed question, and will afford much information to such as would become acquainted with the different points of the controversy.

D. O'C.

**CODE DE PROCÉDURE CANONIQUE SUR LES CAUSES MATRIMONIALES. Par M. L'Abbé G. Pérriès.**

WE have here a very scientific treatment of the method of procedure in matrimonial cases. The constitution and workings of diocesan courts are discussed at length in the early part of the book. For a full and accurate exposition no better could be desired. The rest of the work is taken up with the matrimonial impediments. The author's method of dealing with this important part is very commendable. The views he adopts are always backed up by eminent authority so as to render the following them entirely prudent.

There is, perhaps, one drawback, and that is to have written so useful a production in French. When one is accustomed to derive his ideas on this matter from exclusively Latin treatises, a change like the present is by no means for the better. Add to this that the work is studded with Latin quotations, and it will easily be seen that its perusal by the student is not at all so easy.

D. O'C.

**SCIENCE CATHOLIQUE ET SAVANTS CATHOLIQUES TRADUIT DE L'ANGLAIS. Par L'Abbé J. Flageolet.**

A CRITICISM of the original of this book has already appeared in a previous number. So useful a work cannot be rendered into too many languages, and is specially wanting where—as in French—the enemies of the Church are so loud in denouncing her enmity to the advance of science. In its French form it will prove a most interesting production, as Fr. Flageolet, while adhering faithfully to the original, is never crude or forgetful of idiom in his translation.

J. O'C.

# THE IRISH ECCLESIASTICAL RECORD

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## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### IV. BEQUESTS FOR MASSES

**B**Y bequests for Masses we are here to understand bequests for Masses to be said for the repose of the soul, either of the testator, or of some other person for whom the testator wishes to procure this spiritual benefit.

It is, I assume, generally known that there is a marked difference between the legal position of such bequests in England and in Ireland. In the English Courts, they are still held to be void. In the Irish Courts, on the contrary, their validity is no longer regarded as even open to question. In Ireland, the only question is, Can such bequests be considered not only valid, but legally charitable?

The action of the English Courts rests mainly on the judicial interpretation of a Statute of Edward VI., passed in 1547 (1 Ed. VI., cap. 14), and known as the Statute of Chantries, or the Statute of Superstitious Uses.

This Statute dealt with certain endowments then existing for the maintenance of Masses for the souls of persons deceased. Its preamble recites that endowments of this kind were amongst the chief means by which was maintained "the doctrine and vain opinion"—elsewhere described in the preamble as the "superstition"—"of

Purgatory, and Masses satisfactory . . . to them which be departed." This is followed by the further recital, that all property devoted to such purposes ought to be applied to the founding of schools, or other such charitable uses, and that for this purpose it should be entrusted to the King. Then comes the enacting portion of the Statute. It simply vests in the King all existing endowments of the class to which the Statute refers: there is no formal prohibition of such endowments for the future: there is no enactment that such endowments established in the future shall be transferred to the King: the Statute deals solely with endowments then in existence. Yet, purely retrospective as it is in form, this Statute of Edward VI. has influenced all the subsequent action of the English Courts in their dealings with endowments—even with those established down to the present day—for the class of purposes to which it refers. For mainly upon this Statute as a foundation, there has been constructed, by a series of judicial decisions, the formidable legal doctrine of the invalidity of gifts for "superstitious uses."

"Superstitious uses," in so far as we have here to do with the term, may be taken to be the legal description, long current in the English Courts, of Masses and prayers for the souls of the departed.

In the doctrine of those Courts, the Statute of Chantries, though not prospective in form, was prospective in effect. It has invariably been construed by them as involving a legislative declaration that all gifts for Masses, or for prayers, for the souls of the dead, are "superstitious," and, therefore, void.

When the Statute of Edward VI. was passed, all such gifts undoubtedly were void, as contrary to the policy of the law. There was not indeed any Statute directly making them void. Nor were they void by the old Common Law of England. The Common Law, on the contrary, had long upheld them. As to this, one example will suffice. Amongst the best known of the various forms of land-tenure recognised by the Common Law was the tenure in frankalmoign. This was the tenure of the clergy and of the religious

bodies, and it is thus explained by one of the sages of the law:—"And they which hold in frankalmoign are bound of right . . . to make orisons, prayers, masses, and other divine services, for the souls of their grantors . . . or for the souls of their ancestors which are dead, and for the prosperity and good health of their heirs which are alive."<sup>1</sup>

But though there was no Statute expressly making bequests for Masses void, and though the validity of such bequests had for centuries been recognised by the Common Law of England, there was a principle of that law from which, as things stood when the Statute of Edward VI. was passed, the invalidity of bequests for Masses was a matter of necessary and obvious legal inference.

In the days of Catholic unity in England, it was a principle of the Common Law that the King, as head of the commonwealth, was bound to see that nothing was done for the furtherance of a false religion.<sup>2</sup> After England had become Protestant, that principle was still upheld. But it then, of course, involved the invalidity of gifts for Catholic purposes, that is to say, for purposes implying the truth of any Catholic doctrine which, as the work of "reformation" progressed from year to year, had come to be discarded from the new State creed.<sup>3</sup>

By the time that the Statute of Chantries was passed, in the beginning of the reign of Edward VI., the doctrines of Purgatory and of the efficacy of the Mass as a sacrifice of propitiation for the souls of the departed, had been relegated to the category of superstitious errors. Bequests, therefore, for the maintenance of Masses or prayers for the dead had, as a matter of necessary legal inference, become illegal and consequently invalid.

As regards the invalidity of such bequests, even

<sup>1</sup> Littleton, lib. ii., c. 6, s. 135.

<sup>2</sup> See *The King v. Lady Portington*, 1 Salk. 162.

<sup>3</sup> As illustrative of the gradual character of the process by which Catholicity was discarded in England, it is interesting to note that in the will of Henry VIII., the immediate predecessor of Edward VI., there are several bequests for Masses. The will contains almost conclusive intrinsic evidence that it was drawn up some few years previous to the King's death.

the Relief Act of 1791 (31 Geo. III., cap. 32), which removed so many disabilities from the Catholics of England,<sup>1</sup> made no change. On the contrary, in its 17th section, it expressly provided that "all uses, trusts, and dispositions, whether of real or personal property," which, previous to the passing of that Act, had been "deemed superstitious or unlawful," should "continue to be so deemed and taken." This state of the law long continued unchanged, at all events down to the passing of the Catholic Emancipation Act of 1829.

On the passing of the Emancipation Act, an important question arose. The invalidity of bequests for Catholic purposes had come in solely as a matter of necessary inference from the policy of the law towards the Catholic religion. It might well seem that, on the formal reversal of that policy, attested by the passing of the Act of Catholic Emancipation, that illegality would, as a matter of no less necessary inference, disappear.

But this favourable view of the case was not taken by all lawyers. Even after the passing of the Emancipation Act, there were some—and, amongst them, lawyers of ability and of repute—who regarded the position of bequests for Catholic purposes in England as by no means free from doubt. All room for doubt, however, was removed by the passing of the Roman Catholic Charities Act of 1832 (2 & 3 Wm. IV., cap. 115). By this Act, Catholics in Great Britain, "in respect of their schools, places of religious worship, education, and charitable purposes, . . . and the property held therewith, and the persons employed in or about the same," were made subject to the same laws as Protestant Dissenters.<sup>2</sup>

In 1835, a case involving questions as to the validity of several bequests for Catholic purposes<sup>3</sup> came before the English Rolls Court. This seems to have been the first case in which the Act of 1832 was judicially applied. A

<sup>1</sup> See the I. E. RECORD for March, 1895, page 218.

<sup>2</sup> *Ibid.*, pages 215, 216, and 219, 220.

<sup>3</sup> *West v. Shuttleworth*, 2 My. & K. 684.



testatrix had left a number of legacies for prayers and Masses, for the repose of her soul and of the soul of her deceased husband. The residue was to be applied by her executors, as they should "judge best calculated to promote the knowledge of the Catholic Christian religion" amongst the poor of two districts in Yorkshire, specified in the will.

This case was decided in April, 1835, by the Master of the Rolls, Sir C. Pepys.<sup>1</sup>

He held that the bequest of the residue "to promote the knowledge of the Catholic Christian religion," was good. There was no question as to what was meant by this description. It was admitted on all hands that, by "the Catholic Christian religion," the testatrix meant the Catholic religion, as distinct from the Protestant. But there was no longer any room for doubt as to the validity of a bequest for such a purpose. The bequest was good by reason of the Act<sup>2</sup> of 1832.

But the case was different as to the bequests for prayers and Masses. These were declared void. The judgment rested on the Statute of Edward VI. Sir C. Pepys held that the religious purposes specified by the testatrix in the bequests for prayers and Masses for the repose of souls, were "within the superstitious uses intended to be suppressed by that Statute;" that they were not within the relieving words, already quoted,<sup>3</sup> of the Act of 1832; and that consequently they were void.

This judgment, in its reference to the Statute of Edward VI., leaves something to be desired in point of clearness. It contains no sufficiently definite statement as to whether that Statute was relied on as having itself made such legacies illegal, or merely as having dealt with them in such a way as to involve a declaration that they already were illegal when the Statute was passed.

Yet, the distinction would seem to be of the very first importance in the consideration of any question as to the

<sup>1</sup> Afterwards, as Lord Cottenham, Lord Chancellor of England.

<sup>2</sup> See *ante*, page 292.

<sup>3</sup> *Ibid.*

legal position of such legacies in England in modern times. If the illegality of bequests for Masses springs from that still unrepealed Statute of Edward VI., the illegality necessarily still subsists. But if the Statute of Edward VI. merely proceeded on the basis of an illegality previously existing, no reference merely to that Statute would seem to throw much light upon the question whether such legacies are legal or illegal now.

Two points are established as matters of historical fact. Whatever may be the legal effect of the Statute of Edward VI., it is quite certain that apart from that Statute, bequests for Masses never were made illegal in England by the Statute Law. Neither are they illegal under the Common Law. If, independently of the Statute of Edward VI., bequests for Masses are illegal at all, they are illegal solely by virtue of the illegality that came into existence as a matter of necessary inference from the general policy of a code of law constructed for the extirpation of the Catholic religion in England. Assuredly it would be strange if such an illegality has to be treated as continuing to the present day.

It is satisfactory to find this view of the case taken in an important and rather recent work on the Law of Charitable Trusts.<sup>1</sup> The following passage is worth transcribing :—

“ If we ask why such uses [Masses for the repose of souls] were assumed to be superstitious and void, the answer must be that they were superstitious and void in exactly the same way that all gifts for the uses of the Roman Catholic religion, or any religion other than the Established, were superstitious and void.

“ It would, therefore, seem that the Roman Catholic religion being no longer illegal, so-called superstitious uses should be no longer illegal, and prayers for the dead no more than the many other uses which were before the Toleration Act illegal. . . . It is difficult to see why [prayers for the dead] should be selected to be *the sole relic of the law of superstitious uses* as applied to Roman Catholic charities, and should be spoken of as contrary to the policy of the law.”

<sup>1</sup> Mitcheson on Charitable Trusts (London, 1887), page 46.

In 1854, the question of the validity of bequests for Masses came before the Courts in another case, *Heath v. Chapman*.<sup>1</sup> This latter case was decided by Vice-Chancellor Kindersley, who held that the bequests were void. He too relied on the Statute of Edward VI. But his reference to it is of a more definite character than that of the judge in the earlier case. It is at all events free from the ambiguity already noticed. In Vice-Chancellor Kindersley's view, the Statute of Edward VI. did not make such bequests illegal; it took them as already illegal and void, and dealt with them accordingly; so that the practical importance of the Statute consists in the legislative declaration, which it embodied, of the then existing illegality of such bequests. The following is a passage from the Vice-Chancellor's judgment:—

"It is quite clear that, at all events before 2 & 3 Will. IV., cap. 115 [the Roman Catholic Charities Act of 1832], it was commonly assumed to be the law, and the assumption was acted upon, that a gift to a priest for Masses for the repose of the testator's soul . . . was superstitious and void.

"The way in which this came to be the law is this: at the time of the passing of the Statute of Edward VI., such gifts were void. That Statute declares, as to certain uses, not that they are void,—it assumes that,—but that the property given to such uses is to belong to the Crown; and the Courts of Law have subsequently put this interpretation on that Statute, not that it actually declares such trusts to be void, but that it stamps on all such trusts, whether created before or subsequently to the Statute, the character of illegality on the ground of being superstitious; it gives to the Crown certain property devoted to such uses, but it stamps all such uses as superstitious and void."

It is necessary to add that the soundness of the reasoning underlying this judicial decision, and apparently underlying also the previous decision in *West v. Shuttleworth*, has been gravely questioned, not only in several legal works,<sup>2</sup>

<sup>1</sup> 2 Drew. 417.

<sup>2</sup> In addition to the work already quoted from (*ante*, page 295). see Anstey's *Guide to the Laws of England affecting Roman Catholics* (London, 1842), pages 108-127; O'Leary, *On Dispositions of Property for Religious and Charitable Uses* (Dublin, 1847), pages 53-61; Lilly and Wallis, *Manual of the Law specially affecting Catholics* (London, 1903), pages 143-145.

but also by an eminent English judge, Sir John Romilly. In giving judgment, in 1860, in a case<sup>1</sup> where there were some bequests for Jewish purposes, one of which involved a reference to the subject of prayers for the dead, Sir John Romilly made the following noteworthy comment on the judgments in the two cases already cited:—

“In regard to *West v. Shuttleworth*, and *Heath v. Chapman*, I have always felt this difficulty:—

“So far as relates to their places for religious worship and the property held therewith, Roman Catholics and Jews are now placed in the same position as Protestant Dissenters; and, if it be part of the forms of their religion that prayers should be said for deceased persons, it would be difficult to say that, as a religious ceremony practised by a dissenting class of religionists, it could be deemed superstitious in the legal sense in which these words were used prior to the passing of the statutes which certainly have authorised them.

“In the time of Edward VI. and Elizabeth, the ceremony of Mass was considered superstitious, and I do not know that the law made any distinction between Masses generally and Masses for souls . . .

“I express no opinion on this point, as no such case arises here.”

In the following year, a case<sup>2</sup> directly raising the question of the validity of trusts for Masses for the repose of souls came before Sir John Romilly. As an individual judge, he was not free to depart from the line laid down in the previous decisions. But he made it plain, in setting aside the trusts as void, that he did so merely because he felt himself bound to follow those decisions, and that personally he was far from concurring in the view of the law on which, in the circumstances, he was bound to act. After referring to the difficulty he had expressed in the case already noticed, he went on to say:—

“I think the decided cases too strong, and that the House of Lords alone can alter the settled law. It is clear that I must act on *West v. Shuttleworth*, which I cannot overrule.”

The only subsequent case in which the validity of a

<sup>1</sup> *In re Michel's Trusts*, 28 Beav. 39.

<sup>2</sup> *In re Blundell's Trusts*, 30 Beav. 360.

bequest for Masses has come before the English Courts is one that was decided by Mr. Justice North, in the Chancery Division,<sup>1</sup> in 1891. In this case, the legacy was to the Jesuit College in Melbourne. Bequests for Masses are valid according to the law of the colony of Victoria; but the testator was domiciled in England, and it was held that the English law applied, and that consequently the bequest was void.

In view of all the circumstances, and in view especially of the plainly intimated opinion of Lord Romilly, it seems somewhat strange that a point of such importance has never yet been brought up for final decision in the English Appeal Court, and, if necessary, in the House of Lords.

It is not, however, to be overlooked that, as is pointed out in a work from which I have already quoted, some countenance has been given by a recent Statute to the view on which the Judges acted in cases such as *West v. Shuttleworth*, and the other modern cases referred to in the preceding pages.<sup>2</sup>

The Statute referred to, which is known as the Roman Catholic Charities Act, and applies only to England and Wales (23 & 24 Vict., cap. 134), was enacted in 1860. It provides that no disposition of property "upon any lawful charitable trust for the exclusive benefit of persons professing the Roman Catholic religion" shall be invalid on account of its being also subject "to any trust or provision deemed to be superstitious, or otherwise prohibited by the laws affecting persons professing the same religion." Provision is then made for "apportioning" the property in question, that is to say, for marking off a certain portion of it to be applied to the "lawful charitable trust" declared in the will, and rescuing the remainder from falling through, by enabling it to be applied to some other "lawful charitable trusts for the benefit of persons professing the Roman Catholic religion," to take effect "in lieu of such superstitions or prohibited trusts," as were intended by the donor.

<sup>1</sup> *Re Elliot*, 1891, W. N. 9.

<sup>2</sup> *See Mitcheson*, page 47.

Possibly the legislative recognition thus recently given to the doctrine of superstitious uses may be held to have the effect of placing that doctrine upon a new statutory basis.<sup>1</sup> This Statute of 1860, however, does not appear to have been in any way taken into account in the case of *Blundell's Trusts*,<sup>2</sup> decided by Sir John Romilly in the following year.

Possibly also it may be a point of importance in the case, that the 17th section of the Catholic Relief Act<sup>3</sup> of 1791 is still unrepealed. Several other sections of that Act were repealed by the 9 and 10 Vict., cap. 59. But the repealing Act did not touch the 17th section; and this, as we have seen,<sup>4</sup> provides that "all uses, trusts, and dispositions whether of real or personal property," which previous to the passing of the Act, on the 24th of June, 1791, had been "deemed superstitious and unlawful," shall, notwithstanding the passing of this Act, "continue to be so deemed and taken."

It would seem perhaps a fairly tenable view that, so long as this provision remains upon the Statute Book, the doctrine of "superstitious uses"—with its legal consequence, the invalidity of bequests for Masses and prayers for the dead—must hold its ground in the English Courts. But, as in the case of the reference above made to the possible effect of the much later Act of 1860, the bearing of the Act of 1791 upon the question does not seem to have attracted much attention, if indeed it was mentioned at all, in any of the cases that have come before those Courts.

We may now turn to the more satisfactory state of the law upon this point in Ireland.

The question of the validity of bequests for Masses was first raised in Ireland, since the days of open persecution, in a well-known case, *The Commissioners of Charitable Donations and Bequests v. Walsh and others*.<sup>5</sup> This case

<sup>1</sup> See Mitcheson, pages 47, 48.

<sup>2</sup> See *ante*, page 296.

<sup>3</sup> See the I. E. RECORD for March, 1895, page 218.

<sup>4</sup> *Ibid.*

<sup>5</sup> See O'Leary, pages 64-67.

was decided by the Lord Chancellor (Lord Manners) in 1823. It is not a "reported" case. But the essential facts of it are stated in sufficient detail in a long footnote to the report of a subsequent case, *Read v. Hodgens*,<sup>1</sup> which was decided by the Master of the Rolls (Blackburne) in 1844.

It will be more satisfactory to take, first, this latter case of *Read v. Hodgens*. In this case, the question to be decided arose upon the will of the Rev. N. Kearns, parish priest of Rathfarnham, who died in 1832. The will, after a reference to a residue, contained the following words: "I direct such residue to be expended in Masses for my soul's sake." The residue, however, was claimed by the next-of-kin, on the ground that the bequest for Masses was "a gift for superstitious purposes," and was therefore contrary to the policy of the law, and void.

The question thus raised was brought before the Rolls Court, and the case for the validity of the bequest was ably argued by Mr. Deasy, afterwards Baron of the Exchequer, and subsequently Lord Justice of Appeal.

Mr. Deasy's argument, put briefly, came to this:—Such a bequest is not invalid by Statute, no Statute corresponding to the English one of Edward VI., relied on in *West v. Shuttleworth*,<sup>2</sup> having ever been passed by the Irish legislature. Neither is the bequest invalid by Common Law; there is no principle of the Common Law that it contravenes. Cases may be cited in which dispositions of property for Catholic purposes were held void, as being contrary to the policy of the law; but such decisions were founded on the state of the law as it then existed, and as this has since been materially altered, those decisions are no longer applicable; the restrictions and disabilities affecting Catholics have gradually been removed, the legislature of this country having in this respect gone farther even than that of England; for, long previous to the Emancipation Act of 1829, there was the Irish Statute of 1795, founding Maynooth College for the education of priests; that College has ever since been maintained by

<sup>1</sup> 1 I. E. R., 34.

<sup>2</sup> See *ante*, pages 292-294.

Parliamentary grants; and there is also the Act of 1826, 7 Geo. IV., cap. 74, an Act of the Parliament of the United Kingdom, providing for the appointment of Catholic chaplains to gaols in Ireland, and for their payment out of the rates. So there is nothing in the law, or in the policy of the law—at all events in this country,—to interfere with the disposition of property for any purpose connected with the Catholic religion.

The Master of the Rolls gave judgment upholding the bequest. He seems to have considered the argument superfluous, and gave judgment quite independently of it. He treated the case as an obvious one, the law of which had been settled, twenty years before, by the decision of the Lord Chancellor (Lord Manners) in the unreported case, already referred to, *The Commissioners of Charitable Donations and Bequests v. Walsh and others*, in 1823.

In that case, there was a bequest for Masses: the Commissioners of Charitable Donations and Bequests, then an exclusively Protestant body, applied to the Court to have the bequest set aside as void and against law. But Lord Manners, after the case had been fully argued, ruled that the bequest was valid. Thus it was judicially made known that the validity of bequests for Masses, in Ireland, had been established so far back as 1823, six years previous to the passing of the Act of Catholic Emancipation. Having cited Lord Manners' decision in the earlier case, the Master of the Rolls said:—

“ This case, in my opinion, closes all discussion on this point.”

He accordingly gave judgment upholding the bequest, and since then, no doubt as to the validity of bequests for Masses has been entertained by any Irish Court.

We now come to consider a question of very special interest, Can bequests for Masses in Ireland be considered not only as valid, but also as “ charitable” in the legal sense of the word?

This question, in more than one aspect of it, is of great practical importance. There is, in the first place, the general



point, that such bequests, if charitable, would come within the general exemption of charitable bequests in Ireland from legacy duty.<sup>1</sup> But, besides this, there is a much more important question of validity. Bequests for Masses are, from the nature of the case, not unlikely to be made in the form of perpetuities. But if so made, they cannot be upheld as valid, unless they are charitable.<sup>2</sup>

The case which, up to the present, is the chief authority upon the point thus raised is that of *Attorney-General v. Delaney*.<sup>3</sup> This case came before the Irish Court of Exchequer in November, 1875, and was decided in the following January.

The will in this case contained several bequests for Masses. Of these, the following was one :—

“ I leave and bequeath to the Right Rev. Dr. Delany, Roman Catholic Bishop of Cork, £100, to have 400 Masses offered up for the repose of my brother Timothy and myself.”

The Attorney-General, on the part of the Inland Revenue authorities, claimed payment of legacy duty at the rate of 10 per cent,—this being the statutory rate of the duty in the case of a bequest to a “stranger in blood.” The only question raised in the case was that of the liability of the bequests to duty. There was no question of their validity, as they were not in the nature of perpetuities.

In the arguments of counsel, several points were relied upon, as bearing, one way or the other, upon the question before the Court. But the main point at issue was whether the bequests were legally charitable. If they were charitable, certain other questions would arise. But if they were not charitable, they could not be held exempt from the duty, and there was an end of the case.

The main point relied upon, at the Attorney-General's side, was, that a bequest for Masses was a bequest tending merely to a private benefit—the benefit, in this case, of the

<sup>1</sup> See I. E. RECORD for February, 1895, page 121.

<sup>2</sup> *Ibid.*, pages 109-111.

<sup>3</sup> I. R. 10 C. L. 104.

testatrix and her brother, for whose souls the Masses were to be offered up,—and that such a bequest, not being of “public benefit,” could not be held to be “charitable” in the legal sense.<sup>1</sup>

At the other side, to sustain the charitable character of the bequests, it was urged that a gift for Masses was a gift for the worship of God, and was therefore charitable. As to the public benefit conferred, the argument relied upon was put before the Court in an affidavit filed by the defendant. This affidavit was to the effect that in all cases, whether a Mass is said for the benefit of a private individual or not, it is said also for the general good,—in the words of the liturgy itself, “for all Christians, both living and dead,” and “for the salvation of the whole world,”—and that it was “impossible, according to the doctrine of the Roman Catholic Church,” that a Mass could be offered “for the benefit of one or more individuals, living or dead, to the exclusion of the general objects, intended by the Church, and before mentioned.”

The Court, when judgment came to be given, was composed of the Chief Baron (Palles), and of two other Barons of the Exchequer (Fitzgerald and Dowse). The decision was unanimous, that the bequests for Masses, in the case, were not charitable. The Chief Baron announced that the decision had the concurrence also of the one absent member of the Court (Baron Deasy),<sup>2</sup> who had been present during the arguments of counsel, but was unable to attend in person to express his concurrence in the decision of the Court.

The Chief Baron’s judgment is an elaborate one, discussing in all its possible aspects the case before the Court.<sup>3</sup> The following are the essential passages of the judgment, that bear upon the main issue above stated:—

“Some gifts for the advancement of religion would be charitable. . . . It being clear that some religious purposes are within the Statute of Elizabeth, and that all religious purposes

<sup>1</sup> See I. E. RECORD for March, 1895, page 222.

<sup>2</sup> See *ante*, page 299.

<sup>3</sup> I. R. 10 C. L. 117.

are not, where is the line to be drawn? I am of opinion that a gift for a religious, or for any other purpose, to be charitable within the Statute of Elizabeth, must, to some extent at least, be in the nature of a general public use. It must be of such a nature that the Court can determine that its execution shall confer a benefit upon the public, or upon some section of the public.

"Vice-Chancellor Wickens, whom I regard as a high authority indeed on questions of charities, in *Cocks v. Mannors*, says:—'It is said in some of the cases that religious purposes are charitable; but that can only be true as to religious services tending directly or indirectly towards the instruction or the edification of the public.' I should prefer to use, for the words 'the instruction or the edification of the public,' the more general ones, 'the benefit of the public,' although probably the practical application of each phrase would be identical.

"Thus the question as to the charitable nature of the bequests in hand appears to me to resolve itself into this:—Does the celebration of the Masses for the repose of the souls of the testatrix and of her deceased brother tend [and in such a way that the Court can judicially ascertain and declare that it tends] to the benefit of the public?

"To some it may appear unnecessary to say more than that it does not, but I prefer expressing in detail the reasons for which I have arrived at this conclusion."

It had been urged by Counsel for the Attorney-General that, apart from all other questions, the bequests for Masses were excluded from the sphere of legal charity by the fact that the motive of the testatrix plainly was the securing of a private benefit. This portion of the argument of Counsel is thus summarized in the report:—

"The intention must be to benefit the community . . . and not any particular person, and if there be an intention to benefit any particular person, it ceases to be a charity . . .

"In order to constitute a charitable gift, the gift must be something from which the community at large is to be benefited, and must have nothing whatever to do with anything in connection with one's friends or relations, either in this life or in that which is to come."

As to all this, the Chief Baron explained the law as follows:—

"It appears to me that the case is not affected by the direction of the testatrix that the Masses should be offered for the repose of the souls of her brother Timothy and herself. The

sacrifice is offered . . . either with or without a particular memorial for a deceased person specified. If it be celebrated under such circumstances as to be charitable if offered without any particular memorial, the addition of the memorial cannot, as it seems to me, deprive it of its otherwise charitable character.

"In *Durour v. Motteux*<sup>1</sup> one of the gifts was, to provide a fund for a perpetual annuity of £10 per annum to a minister to preach a sermon once a year to the memory of the testator. It was held that this perpetual annuity [towards the support of a minister<sup>2</sup>] was a charitable use, which was not prevented by the addition of the annual [memorial] sermon."

Therefore, said the Chief Baron, the case of the bequests for Masses was to be dealt with as if the bequests had been of sums of money simply to have Masses offered up, without any particular intention being specified.

Coming then to the central question, whether the celebration of a Mass is to be regarded as, in itself, a legally "charitable" purpose, the Chief Baron prepared the way for his decision upon this point by some observations of a highly suggestive character. These had reference to the hypothetical case of a bequest for Masses, which, for the sake of illustration, he supposed to be made in a form different from that of the bequest then before the Court.

This portion of the judgment attracted a good deal of attention at the time, and it has since given rise to many interesting legal speculations. The Chief Baron's words were as follows:—

"If the will had prescribed that those Masses should be celebrated in public, in a specified public church or chapel in Ireland, it would, I confess, appear to me that the bequests would be charitable, as gifts for the public celebration of an act of religious worship, an act which 'tends to the edification of the public congregation.'

"That, however, is not in this case. Nor is it necessary that I should decide the effect of such a disposition. I am not to be taken as doing so. . . . In the present case, there is not on the face of the will—nor indeed at all—an obligation that the Masses shall be said in any public congregation in Ireland, or in public at all."<sup>3</sup>

<sup>1</sup> 1 Ves. Ser. 320.

<sup>2</sup> See I. E. RECORD for March, page 221.

<sup>3</sup> I. R. 10 C. L. 129.

The bequest, therefore, could not be considered legally charitable on the ground that it provided for an act of public worship.

The Chief Baron then addressed himself to the arguments that had been used by counsel in the effort to attribute to the bequests the essential element of "public benefit."

One of these, embodied in the affidavit made on behalf of the defendant,<sup>1</sup> was that, although Mass for a departed soul "may be said in private," yet "in practice generally, and in Ireland almost universally," it is said "in a public church." But a practice is one thing: a legal obligation to follow the practice is another. The Chief Baron dealt with this point as follows:—

"The practice is that Masses said in pursuance of obligations imposed by such bequests are usually celebrated in public. The question, however, is not whether the money *may not* be applied to purposes strictly charitable, but whether the legatee is *bound* so to employ it: *Morrice v. Bishop of Durham*.<sup>2</sup> This cannot be affected by a usual, or even by an universal practice."

There remained the argument drawn from the prayers of the Missal, by which it was made plain that every Mass, whether offered up for a particular private intention or not, is offered up also for the benefit of all the faithful.<sup>3</sup> As to this, the Chief Baron said:—

"The last argument addressed to us upon this head was that, the purpose for which the Masses are celebrated being for the benefit of all the faithful, the purpose was a public one, and therefore charitable,

"In my opinion this is not so. To constitute a charitable use in analogy to the Statute of Elizabeth<sup>4</sup> the purpose must be one, *which the Court itself can ascertain and declare to be public or beneficial to the public*. It cannot, in my opinion, derive the element of public benefit from the efficacy, spiritual or temporal, which, according to the faith of the testatrix, the religious act may possess."

<sup>1</sup> See *ante*, page 302.

<sup>2</sup> See I. E. RECORD for February, 1895, pages 121, 122.

<sup>3</sup> See *ante*, page 302.

<sup>4</sup> See I. E. RECORD for March, 1895, pages 209-11.

In other words, the Court could not give effect to a claim for the recognition of a bequest as charitable on the score of public benefit, unless it could first ascertain that the benefit put forward as the ground of that claim had actual existence. So far as the Court was concerned, it would be wholly irrelevant to say that in the "belief" of some one, or of some number of persons, no matter how numerous they might be, a "public benefit" would result from the bequest. The Court could take no cognizance of this. It could not deal with beliefs, except in so far as it could judicially ascertain that the beliefs were in accordance with facts.

Now, the "public benefit" relied upon in the argument before the Court was the spiritual fruit of the Sacrifice of the Mass, as offered up for the benefit of all the faithful.<sup>1</sup> The reality of this benefit is indeed a necessary consequence of the truth of the Catholic doctrine of the efficacy of the Mass as a sacrifice. But, at the same time, it is wholly dependent upon the truth of that doctrine. Manifestly, the Court could not judicially ascertain the truth of this point of Catholic doctrine, and, without ascertaining the truth of it, could not assume it to be true. The Court therefore could take no cognizance of the benefit relied upon in the argument as the foundation of the claim; or, in other words, it could not, on this score, hold a bequest for Masses to be charitable.

The case of a bequest for the celebration of Mass as an act of public worship is wholly different. In such a case, quite apart from all questions as to the truth or falsehood of particular forms of religious belief, there is a public benefit that the Courts can take cognizance of. When any religious body is even tolerated<sup>2</sup> by the State, and is thus legally recognised as a section of the community, it manifestly is for the benefit, not only of the members of that religious body, but also, in some sense, of the community at large, that the public religious worship of that section of the community should be provided for by the

<sup>1</sup> See *ante*, page 302.

<sup>2</sup> See I. E. RECORD for March, 1895, page 221.

gifts of those who are willing to supply funds for the purpose. In bequests, therefore, towards the maintenance of public worship, the Courts can find sufficient ground to go upon in recognising such bequests as charitable,—always, of course, provided that, in the act of worship in question, there is nothing contrary to law.

But, in the bequests in the case of *Attorney-General v. Delaney*, there being nothing that the Court could judicially recognise as of “public benefit,” in this sense of the term, judgment was given that the bequests for Masses, as they stood in the will, were not charitable, and were consequently subject to legacy duty.

At the close of the Chief Baron’s judgment, the allusion he had made to the hypothetical case of a bequest for Masses to be said in public,<sup>1</sup> was referred to by the other Judges, and finally by the Chief Baron himself, as follows:—

Baron Fitzgerald:—

“I agree with the judgment which has been pronounced. I do not wish, however, to be understood as expressing any opinion that, in the case of bequests for Masses to be said *in public* for the souls of the dead, the decision of the Court would have been different. I express no opinion on that matter.”

Baron Dowse:—

“I agree with the judgment that has just been delivered, and with the reasons assigned for it. I wish, as my brother Fitzgerald has done, to guard myself against being supposed in any way to countenance the idea that if the gift for Masses in this case had been a gift to have Masses said in public for the repose of the soul of the testatrix, the gift would have been a charitable one, and within the exemption in the Statute.

“I do not understand that any such opinion has been expressed by my Lord Chief Baron, but in a case of this importance it is better that there should be no misconception as to the real grounds of our decision. If a gift for Masses to be said in public for the repose of the soul of a testator or any other person come before us, I shall hold myself free to deal with it as law and justice require.”

<sup>1</sup> See *ante*, page 805.

Chief Baron Palles :—

“ It is not necessary for the purposes of our judgment in the present case to pronounce any decision on that question, and I expressly guarded myself against being understood as doing so. I merely stated that which at present is the leaning of my opinion on the question ; but I hold myself perfectly free to alter that opinion if the case should ever come before me.”

The one legal result, therefore, of the case *Attorney-General v. Delany*, as regards the question whether bequests for Masses for the repose of souls is charitable or not, is that such bequests are not charitable. The decision of the Court leaves quite open the further question whether a bequest for Masses for the repose of souls should be held to be charitable, if there was a direction in the will that the Masses were to be said in public. How far the high authority of the Chief Baron can be claimed in support of the view that a bequest in this form would be charitable, has to be inferred from the passages I have quoted from the report of the case.

The subsequent career of the point started by the Chief Baron's suggestion has been a somewhat chequered one. The narrative of it will be given in my next paper.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*



## DANTE AND HIS WORKS

THE diligent student of modern European literature will be able at will to summon from the shades the features of him who is at once the pioneer and patriarch of all that is good and great in the empire of letters. This is the picture by Giotto of Dante at the age of thirty. We have before us a profile stern and unrelenting as destiny itself; the noble and serene brow, unruffled by human passions, untarnished by human frailty; the eyes luminous and penetrating, the nose aquiline and sensitive, the lips firm to a fault, and the clearly-chiselled chin forming a perfect oval, as reflective in its aspect as a Doge of Venice, by one of the ancient masters, and as commanding as a portrait of a gentleman, early specimens of which are hidden away in every corner of our national galleries. Add to these features the grave and placid austerity of a mediæval saint whose sole aim is "to justify the ways of God to man." Combine the whole, and you have the author of the *Divine Comedy*, before the mind's eye, and as striking a picture as any of his own figures in the *Inferno*, quarried out as they are with the statuary boldness of the antique.

The original of this picture was the child of troubled times. Banishment seems to have been the badge of all his tribe at some period in their chequered existence. Whether the Guelfs ruled the little Italian State, or the Ghibellines were its masters, a rude measure of justice was meted out by the conquerors to the conquered. Such civil strife, and the part played in it by him, might well have embittered the existence of one, who, though he wore a sword, and more than once used it with valour, had his paths by nature laid in the ways of peace. An inscrutable and all-wise Providence, however, chastens by adversity; and there is room for entertaining the opinion that we owe at least something to adversity in the latter half of Dante's life, for one of the noblest and most enduring efforts of the human imagination.

But to the Catholic Church, to Catholic teaching, and to Catholic principles, we owe much more. The Middle Ages

have been roundly abused, and abused most of all by writers of the Reformation period who at every opportunity have manifested their antagonism to the Church of Rome, and, wanting an opportunity, made haste to find it. We have it, however, upon the authority of one of them, that though the period of the Middle Ages was colossal in its vice, its virtues were equally colossal. It was an age of unwavering faith, of deep, intense and confiding devotion. Rigid austerity went hand-in-hand with gentle charity. Though, from one end of Europe to the other, the troubadour and the warrior were busy with romance and slaughter, the echoes of the Angelus and the convent bell, in every land, upon every hillside, proclaimed that "there were still some remnants of the angels left" to plead for mercy. It has been wisely said that an age of great contrasts produces greatness, and such was the thirteenth century. Amongst the devout, ascetic and aspiring sons of the Church in a time which produced a St. Dominic and a St. Francis, must be numbered the author of the *Divine Comedy*. Dante seems to have occupied in Florence and in exile a middle state between the world and the cloister. Without withdrawing himself from the affairs of state, in which for thirty years he played an important part, he appears to have been associated intimately with the Third Order of St. Francis, and to have died as he had lived, a sincere believer in the great mysteries and truths of the Catholic Church. It is necessary to understand these things, and to give due weight to their importance, in order to properly appreciate the deep religious spirit underlying every line of a poem, which is an undying inheritance to mankind, and the chief security that the language in which it is written will never die :—

" Oft have I seen at some cathedral door,  
A labourer, pausing in the dust and heat,  
Lay down his burden, and with reverent feet  
Enter and cross himself, and on the floor  
Kneel to repeat his Paternoster o'er.  
Far off the noises of the world retreat,  
The loud vociferations of the street  
Become an undistinguishable roar.

So as I enter here from day to day,  
And leave my burden at this minster gate,  
Kneeling in prayer, and not ashamed to pray,  
The tumult of the time disconsolate,  
To inarticulate murmurs dies away;  
While the eternal ages watch and wait."

The Comedy (denominated "Divine," by popular acclaim) may fairly be said to be too abstruse, austere, and lofty for the majority of any nation. It is more than a mere ghost story. To students, however, to whom it is the impersonation of Divine decrees, it has come down undiminished in its splendour after the neglect of six hundred years; and the very neglect of it by the crowd, who must needs read while running, should, of itself, be a stimulus to the study of this imperishable poem. Foscolo is said "to have been formed by nature, education, and circumstance," to be the unrivalled commentator of Dante. Dealing with this subject of the neglect of Dante, he says<sup>1</sup>:—"The truth is, that few or none since the work was first published, up to the present time, have ever really read the poem. It requires many days and long studies and a mind continually on the stretch; and the profit is not answerable to the cost, except when the poet finds readers with a mind congenial to his own, and steeped in the age which he has drawn."

It is not too much to assume that the conditions essential, according to Foscolo, for the beneficial study of Dante are present with those to whom these lines are addressed: namely, long studies that make of our author a closet companion rather than a casual acquaintance; brains "continually on the stretch" to attain knowledge—pearls before swine—which the unthinking neglect, and "minds congenial to his own," imbued with religious thought, steeped not alone in the ages that are passed, but busy and actively working in times present, and deep in contemplation of the hereafter.

<sup>1</sup> Discorso sul Testo di Dante.

## DANTE AND HIS TIMES

In the hope that we may have awakened some interest in the father of Italian literature, or have prompted students to desire a closer acquaintance with his works, a brief examination of the times in which Dante lived may prove interesting.

Durante Alighieri (shortened into "Dante") was born at Florence, in May, 1265. He was the son of that Alighieri, the jurisconsult, who took as his second wife Donna Bella, a lady of ancient family. His father, one of the leading spirits in the Guelf faction, had "gone out," as it is termed, after the battle of Monte Aperto. It is a phrase that can readily be interpreted by students of Irish history, taking care only to discriminate the priority of events. In Ireland the "goings out" led to banishment invariably, and to much bitterness of spirit. It was the cause, not the effect. But in Florence, the "going out" was banishment itself; and coming back before you were asked, meant burning. After Dante's birth the Guelfs returned to power. But the dread irony of fate intervened. With them the lawyer, Dante's father, returned only to die; and in the year 1273, this young idealist of eight years was left to the care of a pious and high-minded mother, who appeared to have bestowed upon him much care and a liberal training. One year later, "in the mystical ninth year," Dante seems to have met with the "Beatrice" whose name is so inseparable from the *Commedia*:—

"Praiseworthy was she,  
And noble in her bearing."

Her father, Folco Portinari, a wealthy Florentine, according to some of the biographers, lived in the same street, and "but fifty yards from the house in which Dante dwelt." The acquaintance—first formed, it is said, at a banquet in the house of Beatrice's father—was but a slight one, and slighter still when it was renewed, according to all accounts, after a considerable lapse of time, about the year 1283. Now we have much more than a hundred editions of Dante extant. There is, probably, no literary question

upon which commentators so disagree as this simple one concerning the personality of "Beatrice." The *via media* may, perhaps, prove the safest course in this as in most vexed questions; and it still safer, from the fact that the matter is really of little import; for truth, to say, more learning than wisdom has been expended upon it. The personality of "Beatrice," as it is embodied in Dante's *Commedia*, is the pure essence of heavenly love, as far superior to domestic life, as were Dante's youthful dreams removed from all that was sensual. Professor Morley says:—"Had the lady, to whom Dante's unstained homage was in its material sense dedicated, borne the name of 'Nina,' she could not by that or any other merely individual name have appeared in the verse of Dante Alighieri."

The poet had emancipated himself from the learned thralldom of the day. Lombardy was in the thirteenth century without a written language. The vulgar tongue found no place in Italian poetry. It was the vehicle of thought for the wandering troubadour and the village gossip-monger. Dante cast aside the Latin tongue in which he had tried and failed, and adopting the Italian as his mode of expression won for it a place in the family of European languages. The method and manner of the poem demanded the guidance of some pure spirit with "eyes shining holy love," and "face too radiant to be looked at;" some good angel, protected by innocence, and privileged by love to lead the poet in his fancy through the domain of torments to the realms of probation, and of perpetual bliss. From what we have already seen of Dante, he was not the man to choose the guide he needed from the voluptuous gods and goddesses of Greece and Rome. Whether, then, Beatrice possessed a personality, or did not, the "Beatrice" of the *Commedia* is to all reliable commentators the essence of a pure soul leading erring mortals to love; and this interpretation suffices for all the highest purposes of study.

Dante seems to have plunged into politics on the Guelf side at an early age, in opposition to the Ghibelline party. The origin of the quarrel will be found in the history of

Florence under date 1215. Interference was, probably, a necessity of his birth, for his family, though not illustrious, was numbered amongst the nobility. At the age of thirty—then the period of citizenship—we find him enrolled as one of the six elected priors of the Republic. History and romance abound in illustrations of those petty feudal squabbles, with which this great mind must have been reluctantly mixed up. It is enough to say that the man who later on could calmly contemplate the stern execution of justice in the infernal regions, administered affairs while in office with rigorous impartiality. But impartiality has not always its reward. He ended like Mercutio, who intermeddled with less discretion in the quarrels of the Capulets and Montagues, and like Mercutio cried :—" Plague upon both their houses." Dante was banished in 1302. His poems the *Conovito* particularly give expression to the fond longings of the " weary pilgrim " to return,

" His long vexations past,"

to the sweet bosom of his native Florence,

" And die at home at last."

If denied him, he longed with all his heart to lie down and rest his weary soul anywhere. Return was denied. After many wanderings, which certainly took him to Paris, and most probably to Oxford, in their circuit,<sup>1</sup> the soul of the great poet took its flight on the Feast of the Exaltation of the Cross, 14th September, 1321, at Ravenna, where Dante had been the guest of Guido Novello da Polenta. The disease of which he died was brought on, it is said, by disappointment at his failure in negotiations he had been conducting on behalf of his patron, Guido Novello. According to Boccaccio, his first lecturer, Dante died as he had lived, a devout Catholic, after receiving the last holy sacraments, according to the rites of the Church. No less than three Italian states, we are told, quarrelled over his remains; but the Franciscans mindful of their claim, and expressing the popular will, demanded the right of inter-

<sup>1</sup> See Mr. Gladstone in *The Contemporary Review*, June, 1892.

ment by them, of one who had long been a Tertiary of their Order. So the dust of Dante lies in the sacred precincts of the Franciscans' Lady Chapel of Ravenna :—

“ 'Tis with fame as it is with glory,” and  
 “The paths of glory lead but to the grave.”

It may be interesting to mention here, that his daughter “Beatrice,” named after his guardian spirit of the poem, afterwards became a nun in the convent of St. Stefano dell Uliva at Ravenna, where the ashes of her father are deposited. It is on record that the repentant republic of Florence from which her father had been cast forth, and by which he had been doomed to the faggot, afterwards sent this sister, Dante's only daughter, a peace-offering of ten golden florins to be applied to charitable purposes. As showing the interest which the Catholic Church has displayed in the perpetuation of this great writer's works, it is worthy of note, that twenty-nine years after his death (1350), the Archbishop of Milan, selected six of the most learned men of Italy, Petrarch being one of them, to compile a comment upon the *Divine Comedy*; while it was not until 1373 that the Florentines gave public recognition of its worth in the appointment of the first lecturer. In 1414, at the request of the Cardinal Archbishop of Saluzzo, and two English bishops (Salisbury and Bath), Bishop of Saravalle, prince of Fermo, translated the poem into Latin prose, which is now one of the many treasures of the Vatican library. And I need scarcely remind my readers how Leo XIII., the Prince of Pontiffs, has established a chair in the Roman University to keep alive the name, and to perpetuate the fame, of the great Italian.

#### THE AIM OF “THE DIVINE COMEDY”

Many commentators, by the exercise of “an exquisite fancy” have, in dealing with Dante and his works, vainly tried

“To give up to party what was meant for mankind.”

Interpretations most absurd and misleading have been, from time to time, forced into the text by commentators whose prejudice outran their discretion. But the *Comedy*

has withal survived such literary tinkering. The author himself, writing to his patron, Cardinal Grande della Scala, says: "The whole subject was, taken simply, the state of the soul after death." He is writing upon the completion of his *Purgatory*, and, explaining further his design, he says:—"The end of the whole and of each part is to remove the living from the state of misery, and lead them through to a state of happiness." Again he adds:—"It is to be noted that this work has not only one simple meaning, but many. For the first meaning is that of the letter; then of things signified by the letter."

The poem has, therefore, a literal and an allegorical sense. The former is the state of the soul after death. The latter is the relations of man to his Creator; the rewards and punishments dealt out by an Omnipotent will, and the justice of the Divine dispensation in so settling the eternal relations of man towards the Godhead—judging him by the exercise of his free will in regard both to religion and morality during his period of probation. But read and re-read the poem; and having again read it, connote it with the works of the early doctors of the Church, with some of the most famous of whom Dante was contemporary. You will then find revealed, not alone new beauties at every stage, but the highest human pourtrayal of the Supreme Wisdom in the guidance of fallen man towards the attainment of that eternal bliss which he has forfeited.

"Man in the person of Dante," says Dr. Hettinger, Professor of Theology, at Würzburg, "is its subject. He is hindered by sin from advancing in the paths of virtue, until Divine Wisdom, under the form and name of Beatrice, having taken Reason (Virgil) into her service, goes forth to rescue him. Deeply moved by the penalties of hell and its lessons of the hideousness of sin, Dante is purified by contrition and penance, and is at length conducted by Beatrice into the joys of Paradise." But the poem taken in each and in all its parts is capable of a much more minute application to the doctrines of the Catholic Church. It pourtrays in its happy conclusion the triumph of the Catholic faith. Take a few instances at the close of the *Commedia*



though but little less striking in comparison than many to be found by the student in the body of the work. In Canto xxiv. of the *Paradiso*, Dante, before being admitted to the company of the elect "who partake of the great supper of the Lamb benedight," is examined by St. Peter touching his profession of faith. He, "to whom our Lord delivered up the keys" is contented with the answers of the poet; he permits him to pass. Later on St. James examines the Wanderer upon Hope, and St. John upon Charity. The replies are again satisfactory in both instances, and he passes to higher circles. But it is only when Dante reaches, in Canto xxxii., the last save one of the *Paradiso*, that the poet finds there is yet one higher region of blessedness, the golden gates of which are still fast: closed even to the possessor of the three great Virtues. This is the empyrean of the ten heavens:—

"The heaven where peace Divine inhabits,"

and where place is "assigned by grace, and not by merit." Even Faith, Hope, and Charity combined need aid before obtaining entrance there. That aid, mark it well, is the favour of the Blessed Virgin, "daughter of her Son," who closed the wounds of the mangled Christ which Eve had opened. St. Bernard comes to the rescue of the perplexed poet, and bids him supplicate the Blessed Mother, if he would see what glory there remained. The closing canto of the poem begins with the supplication, hearing which,

"The eyes beloved and revered of God,  
Fastened upon the speaker, showed to us,  
How grateful unto her are prayers devout."

Mary's intercession is successful: a result which can be only duly appreciated by the devout Catholic mind; and the poet, only then, is admitted to a glimpse of the great mystery of the Trinity, and the union of man with God. Surely this conclusion needs no comment.

The late Professor Morley, one of the most recent of Dante's authoritative critics, finds in the *Vita Nuova* (written in 1294), in the unfinished *Convito* (or "Banquet," written after banishment), and in the *Divina*

*Commedia*, a combination both sublime and beautiful. In the first poem he recognised earthly love, it is true; but love of that pure, childlike innocence, so sweet to all our memories. It is an ideal of purity which early childhood, mortal, but only less than angelic, can perfectly symbolize. It passes as a dream. Next, according to the same critic, the *Convito* deals with that period in which the visions and the dreams of youth have departed, and when disappointed manhood seeks consolation in religion and philosophy. Thus the spiritual sense of these two works proceeds upwards by definite steps to the higher mysteries of the *Divina Commedia* :—

“Here, after the early days of faith and love, and when, after the first passage from emotions of youth to the intellectual enjoyments of maturer years, enthusiasm also for philosophy has passed away, Dante, or the soul of man represented in his person, passes through worldly life [the wood of the first canto of the *Divine Comedy*] into sin, and, through God’s grace, to a vision of his misery—to the ‘Hell.’ But by repentance and penance—‘Purgatory’—the marks of the seven deadly sins are effaced from his forehead, and the bright vision of Beatrice—heavenly love—whose handmaids are the seven virtues, admonishes him as he attains to ‘Paradise.’ There, Beatrice, the beautifier, love that brings the blessing, is his guide to the end of his soul’s course, the glory of the very presence of the Godhead, where a love that is Almighty rules the ‘Universe.’”

Balbo, the most distinguished of Dante’s later biographers, says, that during the Jubilee year of 1300, while in Rome, Dante, in a moment of religious exaltation and excitement, occasioned, no doubt, by the religious celebrations of the day, entered upon the great work and the long postponed project of his life-time. Whatever there may be of conjecture in these statements, the inference at least may be fairly drawn from the work itself, that the deep religious zeal of the Catholic Church, awakened by her ceremonial, had much to do, not only in inspiring the work, but in making it replete with the profound enthusiasm, the aspirations after higher things, and the beautiful imagery with which the *Divine Comedy* abounds.

## THE "INFERNO"

Dante does not damn all in hell alike ; he circumscribes his damnation within so many varying circles. Some he only punishes by deprivation. Each circle has its own torment. Each torment to the inhabitants of each circle is to its inhabitants the extremity of agony. But the inhabitants of each corridor, or circle, though complete in their own misery, have no knowledge that a more intense suffering is being endured by some other section of the damned. In other words, he has conveyed an awful picture of the Divine command, that each man must suffer in measure for his own misdoings ; yet, while so suffering, he has not even the comfort of knowing that some others are enduring more through greater misdeeds than his own. This symbol runs all through Dante's Hell ; and those who fail to read it thus, will lose much of the instruction that is conveyed in the poem.

As the poet was a contemporary of St. Thomas of Aquinas, it is not to be wondered at that the entire work is tinctured over with scholastic theology. This feature makes the proper interpretation of each of the three divisions impossible, without a close study of the Catholic divines. As in each of the three kingdoms the woes and blessings are alike graduated, so here in hell we find every gradation of punishment. Beginning with the Limbo of the unbaptized, where

" The lamentations were but sighs,  
Arising from sorrow without torment,"

they go varying onwards until imagination stands appalled at the deep damnation of him who sold his God. But every grade in every circle, and the varying conditions within each circle, afford room for much study and deep meditation.

The opening portions of the poem are gloomy, and full of confused terrors, nor is it improbable that its profundity has turned many would-be students aside. Even at the outset you have abundance of beauties, if they are only marked and inwardly digested. The slope to hell is guarded by a leopard, its beautiful coat spotted with many colours, tending, combined with the freshness of the morning, rather to exhilarate than to alarm. With it we find, as a

companion fiercely advancing to guard the confines of hell, a lion "furious with hunger," and then a gaunt she-wolf, "full of cravings in her leanness," a combination of beasts which drives Dante back in terror. These animals are allegorical and symbolic. We have Pleasure in the form of the leopard : pleasure and personal temptations. We have Ambition in the lion—ambition and all the crimes done in the name of patriotism. The she-wolf is Avarice; it is Greed; it is the world of money-changers and money-lenders, the demon guardian of those selfish thousands, who live, while the millions starve. Here, in fact, is a representation of the World, the Flesh, and the Devil. Responsive to the beseechings of Beatrice, Virgil leaves that place where "souls without faith rest in suspense," and taking charge of the poet they enter those gloomy gates with the words graven thereon:—

"Let him leave hope behind who enters here."

What a rabble of worthless creatures, crosses his path as he approaches the threshold! They are too mean and despicable for aught else than the ante-chambers of the infernal regions! Hell itself would be demeaned by them. Virgil's explanation of the condition of these contemptible wretches is:—

"This form of misery drear,  
Holds the sad souls of those whose life was spent  
With neither shame nor fame;  
Heaven casts them forth; nor would deep Hell  
receive them."

And it is written:—"I would that thou wert cold or hot. But because thou art neither cold nor hot, I will begin to vomit thee out of my mouth." (Apocalypse iii. 15-16.)

It is not our intention, nor would it be prudent, if it were possible, to here enter upon a detailed geographic description of Dante's Hell. The aim is rather to suggest that examination, which, to be effected with profit, must be the work of each individual student. It is sufficient to say that the pictures—such as those of Count Ugolino and of Bocco delgi Abati and of Paolo and Francesca—are the most horrible ever presented to our imagination; that the metaphors are bold almost to rashness, and the allegories

as subtle as they are profound. Every new picture, in addition, opens up a wide field of inquiry to the historical student.

“PURGATORY”

Even the reader of the *Divine Comedy* experiences a relief as Dante experiences at the foot of a trickling water-course—when he finds himself within the realms of Purgatory where suffering is solace rather than pain. The world of absolute torment has been left behind, and all those myriads of seething souls have been relegated to the misery of eternal punishment; but the cruel sea has been passed and the poet's genius, brightening with the brightness of eastern sapphires, leads us into kindlier lights. Here at the very entrance are innumerable souls whose names were famous in history. First comes Cato, to whom Dante commits the office of guardian of the shores of Purgatory:—

“The congregation of the dead make room,  
For him to pass.  
From the confessionals arise  
Rehearsals of forgotten tragedies,  
And lamentations from the crypts below;  
And then a voice celestial that begins  
With the pathetic words, ‘Although your sins  
As scarlet be,’ and ends with ‘as the snow.’”

Little wonder that the gloomy crypts in this region of suspense should ring again with the joyful strains of the *Te Deum Laudamus*, and that the harmony of these expectant souls should “seem like singing with an organ blent.”

Here, again, the true son of the Church, familiar with her teachings, finds food for endless reflection, and ample justification of her doctrines. For instance, what can be more in keeping than the confession of Manfredi, grandson of the Empress Costanza:—

“Horrible my iniquities had been;  
But Infinite Goodness hath such ample arms,  
That it receives whatever turns to it.”

Here also are to be found the souls of those who “in contumacy die of Holy Church, though penitent at last.”

They must wait upon the outside of this bank. Thirty times told the period of their contumacy:—

“ . . . Unless such decree  
Shorter by means of righteous prayers become.”

With such a justification of the efficacy of prayer, why wonder at the neglect of the poem by those who neither understand nor believe in the Catholic dogmas respecting the souls in Purgatory, and who despise or ridicule the Church's beautiful and touching offices for their relief? There is nothing, however, more beautiful in the entire work than the charming freshness with which the opening passages are permeated. As Mrs. Oliphant says:—“All this world of remedial punishment is dim. It has neither the deep and burning reality of hell, nor that hopeful freshness and sweetness which marked the first change in the regions of hope.”

The most instructive picture in the *Purgatorio*, however, is that in which Dante exhibits the hurrying of the souls to future happiness. “Quick, quick, that time may not be lost,” and asking pardon for the seeming rudeness, they hurry on hoping for eternal bliss. The idea contained in this expression, in fact, embodies the entire of Dante's *Purgatorio*. These are penitents who have escaped from hell, and in their new-born zeal for bliss, can scarcely afford time to answer the interrogatives of their questioner. The poem now becomes somewhat pastoral, and its beauties are certainly in no way inferior to the pastoral verses of most recent date. In Purgatory there is a marked difference between the aspect of the angels, who greet the poet and those whom he had met in nether hell. In the lower regions, when we encountered a sacred spirit, Dante we found treated with austerity and disdain. In Purgatory there is everywhere the evident desire to be courteous, without the time for courtesy. Nobody has time to chat with the poet about his miseries; all aiming and hurrying towards a higher happiness, so that the two adventurers seemed to be frequently perplexed. We have here neither the terrible darkness of hell, nor the cheerful lightness of heaven. Among the most beautiful passages will be found a description of the newly-created soul on its way through temptation to the attainment of happiness.

## " PARADISE "

The mystic beauties of Dante's Heaven are such as to make the mere attempt at analysis seem something unholy. The soft beatific atmosphere of bliss; the sweet sunshine, tempered by gentle winds; the crystal purity of the streams; the flowers ever bright, ever sweet, and in eternal blossom; the shady woods, the magic harmony of the myriads of joyous souls chanting *Ave Maria* in unison; the contentment of each soul with its allotted part, "whose will is to keep within the will of the divine," form a delightful picture, and certainly a picture most stimulating in a moral sense.

The release of the reader from Purgatory, and the new conditions presented to him, afford absolute variety. In hell we found the passions of man still paramount. They asserted themselves, in spite of all pain, and were nurtured, but still punished by the consumption of their victims. Even in Purgatory there was still to be discerned a clinging towards earthly things; a desire for preserving a reputation, a longing after home, a tender mindfulness of friends and kindred still seated in the chimney-corners, and a species of mystic doubt, quite compatible with souls who had not tasted the perfection of bliss. But here in Heaven all things are changed. No more backward glances to the mean thing, earth; but, "looking into the face of Him, whose face is heaven," the blessed souls dwell in a universe that is one perpetual smile.

Everywhere in heaven is Paradise. But yet we are told, still true to Catholic beliefs, that "grace reigns not on all in the same measure there." In a beautiful passage, full of inspired love and obedience to the Divine will, the poet makes one blessed soul explain the seeming inconsistency of equal happiness without equality of place:—

"If to be more exalted we aspired,  
Discordant would our aspirations be  
Unto the will of Him who here secludes us;  
So that, as we are station above station  
Throughout this realm, to all the realm 'tis pleasing,  
As to the King, who makes His will our will;  
And His will is our peace."

The passage in which Beatrice explains the lowly position of Piccarda in the celestial universe, is one of the most instructive in the *Paradise*. She had been forced back from her convent retreat, and, by violence, compelled to discard the veil for state exigencies. Why, then, when through no fault of hers, but through force, her vows were broken, should she assume a lower place in heaven than those whose trials had not been hers? Dante wonders, and his wondering is arrested by "Beatrice," who shows upon what false grounds are based the principles of human reasoning:—

"At this point I desire thee to remember  
That force with will co-mingles, and they cause  
That the offences cannot be excused.  
Will absolute consenteth not to evil;  
But in so far consenteth as it fears,  
If it refrain to fall into more harm."

Here the vows were broken, not by will, but by the violence of man. Yet, still a higher virtue was possible, as those who read the poem can see. It would, perhaps, be tedious to trace the progress of Dante through the various circles, burning as he goes with growing enthusiasm over the splendours of heaven. It is sufficient to say that as they go onward towards the centre of all love, each miracle of loveliness becomes multiplied, and the beauty of "Beatrice" grows more intense. The poet meets at every step in his journey the founders of the various orders, whose members have been "companions over the high seas to keep the bark of Peter to its proper bearings." In a circle of solemn dancers we find the great theologians of the Church with Solomon leading. Here are St. Thomas Aquinas, St. Dominic, St. Francis, St. Augustine, St. Peter of Spain, St. Bonaventure, St. John Chrysostom, St. Anselm—all of whom, in a conversation with the Poet, mourn the falling off from their first love of their various orders—"Vineyards which fadeth soon if faithless be the dresser."

But it should be noted well that each founder, while he bewails laxity in his own order, praises the devotion and earnestness displayed by the companion orders of the Church.



St. Bonaventure proclaims the praises of the Dominicans ; St. Thomas Aquinas pays homage to the religious fervour of the Franciscans. Each, in turn, speaks not of the falling off of other orders ; but, with that true meekness which only estimates one's own unworthiness, he bewails that of his own. Here is that spirit of self-abasement which distinguished the early fathers of the Church, and prompted the most noteworthy to the mortification of the flesh. And yet, of these beautiful passages, so suggestive of purity of intention, so out-spoken as to imperfection in a world where nothing is to be found perfect, hostile commentators have laid malicious hold. What each father says of his own order is by them taken to be true ; what he says of another order, or what the other says of his, is either false or lightly passed over, and behold these logicians proceed thereupon to condemn the religious orders of the middle ages, even out of their own mouths ! Little wonder that this sublime poem is not appreciated in Protestant England, when Protestant critics read it for such degrading purposes, and draw from it such false and despicable conclusions.

Even in heaven the shades of evening fall ; and the dazzle of all the movement wearies and subdues the perplexed poet. He is, however, re-awakened to new life by a movement into a sphere of higher salvation. Here far distant amid the shining of a thousand stars, he describes yet brighter lights, and forms a cross, and on this cross

“ The lamping lights read Christ ;  
I know no way to image such design  
But he who takes his cross and follows Christ,  
Will pardon me unequal to the task  
When in that brightness glimmering he sees  
Christ.”

On the verge of heaven Dante is concerned that “ Beatrice ” no longer smiles. But this is explained by her. Did she smile he would be consumed by the intolerable glory which has to be tempered to his mortal eyes. Here amid a whirlwind of loveliness at the bidding of “ Beatrice ” he turns and gazes below at the seven spheres through which he has passed, and apart from all of them,

and furthest removed, he discerns "this globe of earth" so vile in appearance that he smiles and "counts them wisest who despise it most." The poet's imagination now becomes a wealth of mystic symbol. New manifestations of glory are recorded in every line. Incapable of beholding the Blessed Virgin without preparation, the Mother of Christ is suddenly surrounded by a cresset dropping from heaven amid melody, which "makes all the songs of earth like breaking thunder."

Having thus passed all the ante-chambers of heaven, the highest point in the celestial world is reached, and here for the first time the poet's imagination seems to fail him somewhat. He compares the court of the blessed to a great white rose, with innumerable leaves, in innumerable ranks, with each rank of spotless spirits blending indistinctly with the other. Fluttering about the petals of the eternal rose, as bees flit among the flowers, we see the whole court of angels, their wings of gold; their robes white as snow; their faces pure and radiant as flame, in happy communication with the saved souls, all of whom are alike steeped in bliss. The Queen of Heaven is the centre of the rose, and at her feet sits Eve:—

"Who first opened the wound which Mary closed,"

together with "Ancient Rachael," who by a sudden transposition is accompanied by Beatrice. The higher glory which reigns over this immeasurable domain of bliss, is a mysterious vision of light best expressed in Dante's simple exclamation of human despair:—

"Ah! how little words can say;  
How they fail to the conception!"

Dante may fairly be said to be the most sublime enthusiast the world has ever seen. A severe austerity, rigid and unbending, seems to pervade every line of his works. This mental gloom which so helps his vision in the nethersome world, appears at intervals to tinge his "Purgatory" with undue melancholy; if it does not, indeed, to some extent, impair the bliss of those souls that dwell within sight of the Godhead. Perhaps it is mainly

due to the character of the subject, being necessarily vague and shadowy even to the greatest mind, that the *Paradise* is less striking in its pictures than the *Purgatorio* and the *Inferno*. Yet we cannot but think, though we express it with hesitation, that something of the indefiniteness of the *Paradise* is also due to the state of mind of the Poet, which seems never to have attained vivacity after that terrible passage through the infernal regions.

Dante placed all his hopes, not in the earth, or in the enjoyment of its pleasures, and its good things, but in the eternity to come, and the *Divine Comedy* impresses this great and holy longing upon the mind of the most casual reader. To this sublime enthusiasm, therefore, we owe the great conceptions he has given us; and the fact of his undertaking a task, never before or since so well performed by human genius. It is a task the most trying which genius could set to itself.

Milton, like Dante, has represented the supernatural, but Dante appeals more to the mind of man. By reason of his striking pictures and his powerful allegories; by his illustration of supernatural things with incidents from nature, and with characters of living men, all of which is the common property of the observer, he has succeeded where Milton has failed, and has left to the multitude a thrilling narrative full of wonderful variety, and revealing new beauties every time it is read:—

“Could Italy with all its glories be swept away [says Macaulay], as the Middle Ages have passed away, with all their struggles and splendour, Dante would remain as great as ever, notwithstanding that he is Italian, and mediæval in every feature of his genius; and so long as human nature remains the thing it is, steadily triumphant in character and emotion over all the preaching of developments, no antiquity will make this great poet old.”

The style of Dante is energetic without being declamatory, and comprehensive without being diffuse. Macaulay pronounces it beyond compare. The noblest models of Greek composition must yield to it. Its originality of conception is equal to Homer or Shakespeare. Above all things, the *Divine Comedy* is intensely Catholic. Sympathetic

with human woe; elated at the attainment of bliss; stern in its judgment where that judgment must condemn, but keenly alive to the better attributes of our nature, which may with gentleness be led to Godliness, the *Divine Comedy* like the spirit of Catholic orthodoxy, takes in the whole range of the human kind, and steadily directs the eyes of all to the only source of eternal happiness.

There is a natural desire to shrink from suggesting which edition should be used for study, where so many are to be found. Except Shakespeare, no poet of the modern times has had so many commentators. Where the Italian cannot be used, many editions must be called into requisition, and none of them are perfect. Lombardi may be available to most readers. Pollock's is conscientious. Longfellow is smooth and diffuse, but, without notes, is of little use to the student; while Haselfoot's is recommended. Cary's version shows great research; and its notes, gathered by him while Assistant Librarian at the British Museum, are voluminous and learned. But Cary wants that "sympathy" without which Dante cannot be properly read. He is possibly a sound adviser who has recently said, "crib from all."

One word in conclusion. To thinking minds the misfortunes of Dante should be as instructive as are the lessons of the *Divine Comedy* itself. The Florentines drove Dante forth from their midst, when he was in the prime of manhood. Fifty years after his death, they established a public lectureship for his works after quarrelling over his bones. It is the way of the world. Those "who made mouths at him when living," would after his death "give twenty, forty, an hundred ducats a-piece for his picture in little." Truly wise are they who set not their hearts on the applause of men, which is as variable as the breeze that blows, but who steadily, and if it be stealthily, pursue the path of duty, regardless of the opinions of men, ever having hand and heart ready for Him, who, in prosperity and adversity alike, is the unfailing friend—if, indeed, there is any adversity to one who loves and lives for the unchangeable Good.

W. J. MULCAHY.

A CALENDAR OF PAPAL REGISTERS<sup>1</sup>

SOME years ago, our readers are doubtless aware, his Holiness Leo XIII., in furtherance of historical research, accorded free access to the Papal Regesta preserved in the Library of the Vatican. These copies of the originals, arranged according to the regnal years, and filling more than two thousand volumes, extend from the end of the twelfth century to the close of the sixteenth. They deal with the matters that appertain to the external forum, and may be roughly classed as Mandates (judgments, episcopal confirmations, &c.) and Indults (grants of protection, dispensations, &c.). With its profusion of personal and local nomenclature, and direct or incidental mention of customs and events, a collection of the kind can hardly be over-estimated. Few workers, on the other hand, are in position to betake themselves to Rome and undertake the tedious and laborious task of seeking the requisite information through such an array of ponderous tomes, written in a character that, to say the least, is not quite as plain as print. Accordingly, with the generosity worthy of a great nation, the French Government has engaged no less than twelve scholars to calendar the documents of the period from 1227 to 1241. Whether from motives of economy, or the traditional belief in the superior working capacity of the Briton, the English Government has been content with a solitary summarist. The first instalment of his labour appears in the bulky volume named at foot.

In dealing therewith, we have to commence by drawing attention to an ominous omission. Knowing that, although explained with much wealth of detail by scholars abroad, the Rules of the Papal Chancery (witness Maunde-Thompson's *Handbook of Greek and Latin Palæography*) had found no exponents at home, we naturally concluded that the occasion had been appropriately availed of to

<sup>1</sup> *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland.—Papal Letters.* Vol. I., A.D. 1198-1304. Edited [in the Rolls' Series] by W. H. Bliss, B.C.L., London, 1893.

supply the void. The distinctions, for instance, between the Bull, the Brief, and the Rescript; the employment of thick parchment and of thin; the various styles of script; the seal, its material, the impression or impressions thereon, the mode of attaching it to the documents, the offices of issue—these and cognate topics that lend themselves so readily to attractive treatment, we opened the volume anticipating to find elucidated by description and facsimile within the fifty pages at disposal. In lieu, alas! we found, spread through four pages and a-half, disjointed observations, the following included:—

“Some very fine photographic reproductions of selected leaves from the Papal *Regesta* may be seen in a volume published at the Vatican in 1888, under the title of *Specimina palæographica Regestorum Romanorum Pontificum*. Although the originals do not present so many palæographical difficulties as the mediæval rolls of the English Chancery, difficulties which are explained in Mr. Maxwell Lyte's prefaces to the official calendars of Patent Rolls and Close Rolls, the abbreviations are sometimes perplexing.” (Pref., p. iv.)

Non ragionam di lor, ma guarda e passa.

The object of a calendar, according to the official *Instructions to Editors*, is to present with all possible brevity a correct index of the contents of the papers described:—

“If facts and names be omitted or concealed under a vague and general description, the reader will be often misled; he will assume that, where abstracts are silent as to information to be found in the documents, such information does not exist; or, he will have to examine every original in detail; and thus one great purpose will have been lost for which the calendars have been compiled.”

Hence, even in the case of papers bearing on one subject, editors are directed to furnish such a description as will convey a notion of their miscellaneous news. Printed matter, likewise, so far from forming an exception, is to have the additional guarantee of reference to the publication. One consequently fails to discover the necessity for the “Deputy Keeper of the Records to have laid down rules for the formation of this calendar” (Pref., p. v.). The new rules, it has to be added, if we except a statement to be quoted further on, have not been formulated.

As a rule, in the absence of originals or transcripts thereof, the accuracy of calendar synopses cannot be adequately tested. The present work forms a partial exception; requisite data being to some extent supplied in the full texts of the *Regesta* of 1199-1203 (Innocent III.) given in Migne's *Patrologia Latina*, ccxiv.-vi., and the Irish and Scottish of 1216-1303 in Theiner's *Vetera Monumenta Hibernorum et Scotorum Historiam Illustrantia* (Rome, 1864). In connection with the last-mentioned publication, it is to be observed respecting the Irish portion, with which we are mainly concerned, that, whilst the *Calendar* contains about eighty summaries not comprised in the *Monumenta*, it fails to credit that collection with twelve documents *in extenso* and seventeen in epitome.<sup>1</sup>

We proceed now to examine the execution in detail. As regards the fulness of the summaries, the editorial statement alluded to above informs us that certain details which may be found in printed books to which references are given have been omitted (Pref., p. iv.). Passing over the fact that the references, as we have seen, are not in all cases given, one contrast will suffice to show the uniformity with which this departure from the original *Instruction* has been carried out. On Aug. 11, 1216, Honorius IV. issued a Rescript to define more clearly the sense of a clause in a decision of Innocent III. regarding the rights over some Tuam churches which were amongst the matters disputed between the Archbishops of Armagh and Tuam. The full text occupies forty-three lines (Theiner, p. 2); the precis, eighteen (*Cal.*, p. 40). On April 8, 1235, Gregory IX.

<sup>1</sup> On Jan. 20th, 1295, the Dublin Dominicans forwarded to the Papal Nuncio, J[ohn], Bishop of Cloufert, copies of fourteen documents of 1266-9, deposited in their chest. Three were orders to pay, and eleven receipts for, sums of the Crusade subsidy paid over in various houses of the Irish branch where the monies were lodged (Theiner, p. 107-9). They are not summarized in the *Calendar*: whether owing to not being preserved in the Vatican (for Theiner professes to draw from other sources likewise), or to not having been issued by the Curia, we are unable to say.

One date, "Sunday, on the morrow of the Purification, A.D. 1268," is of special value, the ferial incidence proving that the A.D. was not reckoned from Jan. 1. In 1268 (A G). Feb. 3 fell on Friday; in 1269 (F), on Sunday; the latter is, consequently, the year intended.

appointed judges to inquire and report respecting the rival claims of the same archbishops to the metropolitan right over the diocese of Ardagh. The text fills no less than one hundred and forty-three lines (Theiner, p. 30-1); the summary, or rather heading, four (*Cal.*, p. 145). For the importance of the original historical matter thus totally ignored, we beg to refer to the *Annals of Ulster*, A.D. 1230, note 1 (vol. ii., p. 282-4), 1237, note 2 (*ib.*, p. 294-5), and to quote the concluding statements at the second reference: "On a review of all the circumstances [detailed by Gregory IX.], it seems impossible to acquit Donatus, Archbishop of Armagh, of grave dereliction of duty. A question to be decided amicably by canonical process he twice deliberately submitted to the arbitrament of force. The total silence of the native *Annals* respecting a contest of such duration and violence is remarkable."

Another example will illustrate the completeness with which details are indicated. In the above-mentioned Rescript of Honorius IV., the disputed churches are named. Three of them, Kiltullagh, Annagh, and Kilmaine, do not appear in the synopsis. Book-making some students may be impelled to designate work of this kind; nor, it must be admitted, does the tenor of the *Calendar* negative the appellation.

To test the fidelity of the translation, we select two typical instances. On May 7, 1237, Gregory IX. issued a Mandate . . . "to correct and reform whatever is necessary in the Scottish Church, which does not recognise the Roman Church as its sole mother and metropolitan" (*Cal.*, p. 161). This startling statement relative to the independence of the Church in Scotland assumes the opposite complexion by light of the original: "*ecclesia Scotticana Romanam ecclesiam solam matrem et metropolitanam nullo medio recognoscit*" (Theiner, p. 35). The words are repeated in the commendatory Papal Brief addressed to the Scottish king three days later (*ib.*). *Nullo medio*, incredible as it seems, the epitomist plainly equated with *nullo modo*, by no means! But, if he will allow us (what has official scholarship come to!), the expression signifies that there existed *no mediate*



(archiepiscopal) jurisdiction between the Scottish and Roman Churches at the time. In fact, it was not until 1472, more than two centuries later, that St. Andrew's was raised to the rank of metropolitan by Sixtus IV. (Theiner, p. 465, *sq.*).

The Bull (July 12, 1286) of Honorius IV., translating Stephen de Foleburne from Waterford to Tuam, details the litigation that took place in the Curia, under Nicholas III. and Martin IV., between Nicholas and Malachi, who were respectively nominated by five and three members of the Tuam Chapter after the death of Archbishop O'Connor, in 1279. Some of the proceedings the synopsis gives thus: "Martin [IV.] . . . appointed the cardinal . . . to hear the cause, when the proctor of the Dean and Chapter prayed that Malachi's election might be cancelled and all else confirmed" (*Cal.*, p. 487-8). Strange, that, after a seven years' suit, Nicholas should be found objecting to a prayer to have his opponent non-suited and himself appointed! Turn we now to the text in Theiner: "Procurator [decani et capituli] libellum obtulit in quo petebat predictam electionem factam de dicto fratre Malachia, cassata et irritata reliqua, confirmari. Verum ex parte . . . Nicholai propositis quibusdam exceptionibus contra dictum libellum," &c. (p. 135). Here we have the solution of the puzzle. The synopsis took *cassata* and *irritata* to refer to *electionem*, and *reliqua* to *confirmari*! Such is the Syntax of the British Rolls' Office. But, then as now, the old-fashioned Rules obtained in Tuam and in the Curia. By these, *cassata*, *irritata* and *reliqua* (*electione*) are the ablative absolute. Furthermore, in a Rescript of Honorius III. (May 9, 1226), *reliquus* and *alter* (the other of two) are employed as convertible terms (Theiner, p. 26). Accordingly, the proctor prayed to have the election of Malachi confirmed, the other quashed and voided. To which petition, Nicholas, as was to be expected, propounded objections.

With respect to the chronology, those likely to consult the volume scarcely require to be informed that the original dating was by the regnal Papal year. Reference, however, would have been appreciably facilitated, if, instead, of adhering to the fortuitous collocation of the copyists, the concurrent

A.D. years and the days of the months had been digested into the natural sequence. This was the obvious purport of the Eleventh *Instruction* to editors; namely, that each series should be chronological. As typical of what is found on almost every page, take the following marginal dating of 3 Innocent IV. (p. 223): 1245, Dec. 21, Nov. 16, Nov. 11, Sep. 15, Oct. 19; 1246, Jan. 11, Jan. 26; 1245, Sep. 10! A question more serious arises touching a Mandate (May 31) relative to the diocese of Ferns. The document is placed (p. 287) under the tenth of Innocent IV., namely, 1253. To all appearance, no reference being given to a publication, the A.D. is beyond doubt. But not alone do we find the text in Theiner (p. 56), but it contains the words *anno nono*, that is, 1252.

These, however, and others such are of secondary importance by comparison with what follows. Five letters of Honorius IV., issued at Perugia, are here summarized: (1) April 7, (2) 17 (p. 479), (3) 20 (p. 479-80), (4) 24 (p. 480), (5) 17 (p. 486). The A. D. is determined by the "Papal Chronology" prefixed to the volume, which gives Honorius as consecrated May 20,<sup>1</sup> 1285. Reckoned thence, his first regnal year ended May 19, 1286. The margins have, consequently, 1286. But, in the first place, the conclusion is at variance with well-established facts. No. 2 is a confirmation to John de Stanford, Dean of Dublin, of a dispensation in illegitimacy to the extent of retaining the archiepiscopate if otherwise canonically obtained. The Indult was *ex nunc*, not *ex tunc*; prospective, not suppletive. Now, he is the John de Saunfordia, who was confirmed as metropolitan, May 20, 1285 (*Cal.*, p. 480). He had been chosen by five (to one, himself) of six Dublin canons then in Rome. Honorius ordered this (second) election to be held and personally made the scrutiny of the votes (Theiner, p. 130). The Index, however, at cost of his historical knowledge, acquits the summarist of having knowingly perpetrated this glaring anachronism. Misled apparently by the different

<sup>1</sup> *L'art de vérifier les dates* has May 4 or 6. As the 6th fell on Sunday in that year, it was in all probability the date.

spellings, he took the Dean and the Archbishop to be different persons. Bisection of the kind suggests the futile query: What test of fitness was applied before this work was allowed to be undertaken at the public cost?

Secondly, under his own hand the epitomist has supplied wherewithal to confute his conclusion. No. 1 states, "the Bull is not attached to it, as the Pope has not been consecrated" (p. 470). No. 4 was confirmed by Nicholas IV., Aug. 21, 1289, as "the Bull issued by Pope Honorius before his consecration." "Pope's Bulls," it is added, "issued before their consecration bear no name on the lead seal, which has given rise to a popular error that such Bulls are defective" (*Cal.*, p. 500-1). As Honorius was elected April 2, 1285, it needs no Petavius to infer from these quotations that Nos. 2 and 4 belong to that year.

Thirdly, Nos. 2 and 3 begin: *Honorius, bishop-elect*; and end: *And be not surprised that a Bull not bearing our name is appended to the present [Letters], for they are forwarded before the solemnities of our consecration and reception . . . Dated . . . the first year of the reception of the office of the apostolate.*<sup>1</sup> Nos. 2 and 3, like 1 and 4, are thus proved to belong to 1285. It will, doubtless, enhance the fame of English chronologists, to have Papal instruments dated without reference to the familiar pre-consecration formulæ of the Curia.

Finally, as the synopsis supplies no criteria, to refer No. 5 to 1285 can only be conjective. But it is supported by considerations not devoid of probability. The sequence of places and dates in the *Calendar* leads far to the inference that, during his brief pontificate of two years, Honorius did not revisit the scene of his elevation. The document itself is a confirmation of an increase of 3s. a day granted to a nuncio in England by Martin IV., who died [March 28, 1285] before the leaden seal was attached. That an official whom death thus defrauded of increment suffered more than

<sup>1</sup> "Nec mireris quod bulla non exprimens nomen nostrum est appensa presentibus, qu[ae] ante consecrationis et benedictionis nostr[ae] sollemnia transmittuntur . . . Datum . . . suscepti apostolatus officii anno primo" (Theiner, p. 129-30).

twelve months to elapse without taking steps to rectify the wrong, is, of course, possible, but in the very last degree improbable. A routine remanet of the kind must have been expedited with the least delay in the new reign.

Imperfect though they be, the glossaries appended to three of the four volumes of the *Calendar of Documents relating to Ireland*<sup>1</sup> are an admission that students have a right to be supplied with explanations of obsolete and difficult feudal or legal terms. The claim to similar assistance in the present instance, it will hardly be controverted, has equal, if not greater, validity. To our surprise, however, on turning to the end, instead of the expected glossary, we found this valuable item in the *Index of subjects*: "Canon law, various questions relating to, 18." The reference has: "Answer to the Bishop of Ely to his questions on various points of Canon law, relating to delegations, appeals, revocations, church patronage, donations, parishes, and vicars." On the other hand, throughout the work, doubtless to stimulate individual research, the vocables or phrases in question are given in the original language and in italics. We have, for instance, *causa custodie* (p. 74), *conservatorie* (p. 158), *litere contradicte* (p. 168), *in possessorio vel petitorio* (p. 458). This ingenious and facile method, it must be granted, is preferable to rendering *dieta* by "day's journey" (p. 293); whilst, failing the Latin text, "the benediction of an abbot and other ecclesiastical sacraments" (p. 492) is a formula that will scarce command due recognition.

Under this head come two notable translations. A confirmation (Innocent III., October 15, 1204), to the Bishop of Leighlin names thirty-three churches "in the parish[es] of Hubargay, Hubuy, Leys, Hofelmeht, Fodereth, Odron, with Thathmolog" (*Cal.*, p. 18). *Parish*, namely, is English for *parochia*; whilst, as one parish was unlikely to include so many churches, the text was amended by making it plural. But, firstly, even when thus augmented, the number seems still too small; and, secondly, the designations, it is well known, are not those of parishes, but, as we shall see,

<sup>1</sup> Hereinafter denoted by *D. I.*

of the districts then and now comprising Leighlin diocese. The explanation is not far to seek. *Parochia* has here the original meaning of *diocese*,<sup>1</sup> which removes all difficulty.

In a Mandate (March 13, 1234), the suffragans of Canterbury are said to have excused themselves from employing censures against Llewelyn [king of North Wales], on the ground that he "was no parishioner of theirs" (p. 139). It requires no journey to the Vatican to discover that the original is *parochianus*; signifying one belonging to a *parochia* or *diocese*, and consequently to be rendered *diocesan*.<sup>2</sup> Whence it appears that to set down the most obvious equivalent, not to determine which of the meanings at various times current was employed in a dated document, is a method of official editing.

Furthermore, there are eighteen references to thirteen<sup>3</sup> canonical enactments. [These, our readers will doubtless have anticipated, are neither annotated nor indexed. They were placed, as occasion presented, on the margins from 2 Innocent III. (1199) to 6 Honorius III. (1222). More than half are not contained in the *Extravagants*. Whence it follows that the word *Extra*, which is common to all, was employed in the sense of the older glossarists to indicate the *Decretals* before they were embodied (in five books), and issued A.D. 1239. The annotations could consequently have been made by contemporaneous hands. The last but one is annexed to a *sequestration* (i.e., committal pending the lawsuit to the keeping of a third party) of the fruits of a church, and runs thus: *Hoc capitulum ext extra de secrestia possessionis* (p. 74). Herefrom anyone cut out for anything beyond precis-making could have readily amended *secrestia* into *sequestratione*. The precise place of the *Decretals* is Cap. *Ab eo*, 3, de seq. possessionum et

<sup>1</sup> "Parochia large et improprie sumpta intelligitur pro tota diocesi, ut clare patet ex c. *Si quis ordinatus*, 5, dist. [Decreti Gratiani] 92: *Si quis ordinatus episcopus ad parochiam, cujus est electus, etc.*"—Ferraria, *Prompta Bibliotheca*, s.v. *Parochia*, No. 2.

<sup>2</sup> "Unde etiam parochianus pro diocesano sumitur in Cap. *Nullus episcopus*, 3, de parochis, ibi.: *Nullus episcopus alterius parochianum judicare præsumat.*"—*Id. ubi sup.*

<sup>3</sup> Three are mentioned twice each; one is quoted three times.

fructuum (tit. 3, lib. ii.). As ignorance cannot be imputed to the canonist, the comment must have been written on the exemplar of the copyist.

The Index now claims attention. Some omissions of names (*e.g.*, Abel, Master, 244-5) and references (*e.g.*, 308 under Cloyne, *recte* Clonmacnoise) we have noticed. But those who have done work of this kind will not be unduly severe on such lapses. More serious is the deviation from the *D. I.* system of numbering the entries and indexing accordingly. The departure arose we suspect from the confused chronology mentioned above. At all events, to have 3 prefixed to a document issued before 2, and similar contrariety throughout, were to carry anomaly to ludicrous excess. The inconvenience of the present system is shown by "MacCarwill, Maurice, 611, 613." At 611, Maurice, Archbishop of Cashel, appears in three synopses; at 613, in two. But in none of the five, nor in Theiner, p. 173, is MacCarwill to be found. Yet, as this MacCarwill held the see from 1303 to 1316, one of the originals must contain the surname. Which this is, individual references to the entries would have rendered it necessary to indicate.

With regard to topography, "an attempt," we are informed, "has been made in the index to give proper names in a recognisable form, but in many cases the task of identification proved hopeless" (Pref, p. v.). One would thus be led to conclude that the work of identifying had been prosecuted with intelligence and assiduity; only cases of unusual difficulty resulting in failure. The deduction, however, would be quite erroneous: the Irish and Scottish portions, which alone present appreciable obstacles, reveal a lack of diligence in acquiring knowledge within easy access which it would be impossible adequately to set forth in the space at disposal. Restricting ourselves therefore to Irish places, the following, taken at random, will sufficiently illustrate the execution. The forty localities of the Leighlin Confirmation, already mentioned, are all identified by the appendage "[Ireland]." To show how difficult they are, take "the parish[es] of Hubargay, Hubuy Leys, Hofelmeht, Fodereth, Odron, with Tathmolig" (p. 18).

Knowledge of the Irish tongue not being a *sine qua non* in the Rolls' Office for dealing with documents of this kind, it would be scarcely fair to blame the epitomist for not supplying the correct forms. But reference to well-known works of topography would have shown that the first three are respectively the modern baronies of Slievemargy, Ballyadams and Leix (Queen's County); the five last, Rathvilly (Offelimy), Forth, Odrone, and St. Mullins, Upper and Lower (county Carlow): the eight corresponding with the ancient and modern diocese of Leighlin.

A Mandate of Alexander IV. (Jan. 9. 1260) recites by name forty-two monasteries, churches or chapels in Tipperary county, in dispute between Lismore and Cashel, which are confirmed to the suffragan see (*Cal.*, p. 370-1; Theiner, p. 83). With exception of Clonmell, which needed no mark of identity, every place is differentiated by the useful generic "[Ireland]." They include puzzles such as Surio, Kilsilan, Kilcassi, Karrec, Nedan, Tulachmolan, and Ardfinam. For the reason stated above, we did not expect to find the initial letter of Ratherdunesk amended to *C* (the place intended is Cahir); but things have come to a pretty pass when the elementary work is thus left undone.

In dealing with foreign transcripts like the Regesta, two corruptions have to be guarded against. These are bisection and variation of proper names. For obvious reasons, the first will not recur with the frequency of the second. Examples, however, are not wanting; "Cluam, Ednec" of Leighlin diocese (p. 18) being one of little difficulty, though it embraces an error of each kind. The reading is *Cluarn-ednec[h]* (*ivied meadow*), a form readily recognisable as the native name of Clonenagh (Queen's County). With regard to the second, the scribal variants, with few exceptions, have baffled the epitomist. Thus the index distinguishes Bengor and Bangor, Down diocese (pp. 207, 433); Cella parva and Parva cella, Annadown (pp. 232, 117-68); Kenon, Kaevenos, Kells and Kelne, Meath (pp. 165, 50, 416, 508); Cnock-graffan and Cuccanffan, Cashel (pp. 500, 498).

One feature remains which, as the outcome of culpable apathy, is far more to be reprehended than sheer incapacity.

For, if the facility to avoid be an aggravation of error, the principle applies with triple force to historical works of reference, which demand discrimination to a special degree, and require to have the defects of oversight eliminated in a list of corrections. On one page 320(), for example, we find a reservation of benefices for a year to Gamelin, Bishop-elect of St. Andrew's, Anagni, July 31, 1255; on the opposite, reservation of benefices for two years to the same, same place and date. "Theiner, 67" appended to each, supplies but one text, which has *usque ad biennium*. It did not require much acumen to perceive that the indult was erroneously copied a second time. Again, Maurice Fitzgerald, of Cloyne diocese, got a Mandate (October 28, 1259) to his bishop [Daniel, 1249-64], not to molest him pending his application for dispensation on the ground of having "married Matilda . . . she having been espoused to his late brother David, who died before she was seven years old" (p. 348). On the very next page (369), we read that he was dispensed (January 2, 1260) "to remain in the marriage contracted with Matilda, to whom, when seven years old, his brother David, since deceased, had been espoused." Wonderful *Calendar*, which makes David die in one entry, before Matilda was seven years old, and brings him to life in another, to espouse her when she had reached that age!

*Majora canamus.* When two places have a designation in common, the locality intended has to be determined by the context, or by other documents relating to the same subject; failing these, by knowledge of contemporaneous history, ecclesiastical or civil. The method (if such it can be styled) of the present summarist is to give one place now, the other anon: apparently, as each recurred to memory at the moment. A charge of such gravity and so improbable postulates proof in detail. *Clonensis*, *Cloniensis*, or *Cluanensis*, signifies Cloyne and Clonmacnoise. A Confirmation of Innocent III. (April 6, 1210), according to the *Calendar* (p. 35), names Clonmacnoise amongst the eleven sees suffragan to Cashel, making no mention of Cloyne. his double discovery is not the least amongst the triumphs



of official scholarship. Again, in 1235, the Archbishop of Armagh and the Bishop of Clonfert were directed to secure the resignation of the Bishop of Cloyne (*Cal.*, p. 145). But, so far from resigning, the Bishop of Cloyne (David MacKell) was translated to Cashel in 1238, or 1239. He is the Archbishop who received the pallium in the latter year from Gregory IX. (*Cal.*, p. 184). On the other hand, from the Royal Assent (April 8, 1236) to the election of Thomas, Bishop of Clonmacnoise, we learn that El[ias], his predecessor had resigned (*D. I. I.*, No. 2316). Thirdly, a Mandate of 1254 states that the church of St. Patrick, in the diocese of Cloyne, was assigned to the Abbot and convent of Granard, in the diocese of Ardagh (*Cal.*, p. 308). Needless to say, a church of the name will not be found in the Cloyne Taxation of Boniface VIII.<sup>1</sup> Fourthly, the Archbishop of Armagh and the Bishop of Clogher were directed (September 13, 1289) to receive the resignation of Gilbert, Bishop-elect and confirmed of Cloyne, who had been blinded by his enemies (*Cal.*, p. 501). Certain it is, the successor of St. Colman had no enemies of the kind. He was "Nicholas Effingham, an *Englishe* man, who sate above thirty-six years, and died very old, in 1320."<sup>2</sup> But on July 14, 1288, royal license was granted to elect in place of Gilbert resigned, lately elected Bishop of Clonmacnoise (*D. I. III.*, No. 413). This document is otherwise of importance, showing, as it does, that the Papal Mandate, issued more than a year later, was intended to prevent a precedent being established of resigning without consulting the Holy See.

*Darensis* is the common designation of Derry and Kildare. The result is that, of the ten index references at *Derry*, no less than seven belong to *Kildare*! We have, for example (p. 460), the appointment (Nov. 12, 1279) of Nicholas de Cusoach to the bishopric of Derry, void by the death of Simon, and (p. 462) a repetition thereof (May 15, 1280). Though appended to the two, "Theiner, 153" gives only the first, with the editorial remark that

<sup>1</sup> *D. I. V.*, pp. 273-8; 310-16.

<sup>2</sup> Ware, *Bishops*, ed. 1704, p. 152.

the Bull was expedited again, May 15, next year. Nothing but overweening confidence or deliberate indifference could have failed to follow up clues thus repeated. What are the facts? On June 24, 1272, royal license was given to the Dean and Chapter to elect in place of Simon of Kilkenny, late Bishop of Kildare (*D. I. II.*, No. 918). On Feb. 24, 1280 (the causes of the delay are immaterial to the present purpose), Nicholas de Cusack wrote from Paris notifying to the King his election by the Pope to the see of Kildare, and praying to have the temporalities restored to his proctor (*ib.*, No. 1632); a request that was granted (*ib.*, No. 1772), on Dec. 24, 1280, after receipt of the "concurrent letter to Edward I." mentioned in the *Calendar* (p. 460).

Turn we now to the northern see. According to the *Annals of Ulster*, the Bishop of Derry, in 1272, was Gilla-in-Coimded (*Servant of the Lord*) O'Cairellan. He died in 1279. His predecessor and his successor were of the same sept (Clandermot, co. Londonderry, was the patrimony), and both named Florence. The first of the namesakes died in 1230, in the forty-sixth year of his pontificate (two were thus in continuous occupation for ninety-five years!); the second, in 1293. Being a *nomen ridiculosum*, Gilla-in-Coimded was changed in the Curia into Germanus. He, it will hardly interest the epitomist to know, is the "bishop German" of a Mandate of Innocent IV. (*Cal.*, p. 228; cf. *Ann. Ult.*, II. 308), and he it was who obtained permission to bring back the see from Rath Luraigh (Maghera) to Derry (*Ann. Ult.*, II. 309), the summaries of the three documents relative to which are given at the only three correct *Derry* references in the *Calendar* (pp. 233-4, 307).

Secondly, a reference (p. 166) omitted from the Index contains a synopsis of a Mandate (Aug. 25, 1237), which has "Gilbert the Marshal, Earl of Pembroke, and his brothers, Walter and Anselm, of the diocese of Derry." That the Pale included the territory of Tyrone in the second quarter of the thirteenth century, will be news to the students of Anglo-Irish history.

Finally, that typical Anglo-Irish cleric, Nicholas de Clare. Rector of Youghal, treasurer of Ireland, and convicted

despoiler of two rectors of Inchiquin,<sup>1</sup> obtained two Papal dispensations regarding the four livings (three with cure of souls) which he held simultaneously in Dublin, Meath, Kildare, and Cloyne, respectively. In the summary of the first (Dec. 13, 1289), Rathymegan is assigned to Kildare diocese (p. 509); in that of the second (July 17, 1291), to a prebend of Derry (p. 541). Accordingly, the Index has the distinct items: "Rathangan, Rathymegan, diocese of Kildare, 509. Rathymegan, diocese of Derry, 541."

Now, take up the Taxation of Boniface VIII. Under Derry,<sup>2</sup> you will vainly seek Rathymegan. Pass on to Kildare; you will find<sup>3</sup> the prebend of Rathmegan [*recte*, Rathinnegan; Rathangan in East Offaly barony] valued at 40 marks (26*l.* 13*s.* 4*d.*); the vicarage, at 30*s.* The Chapter numbered ten, and it may be mentioned, as casting a lurid light on the system of pluralities which so long defied the decrees even of General Councils, that, excluding the archidiaconate (18*l.* 6*s.* 8*d.*), the united income of the other eight prebends was only 19 marks (12*l.* 13*s.* 4*d.*); less, namely, than half of that enjoyed by De Clare. That worthy, on the other hand (engrossed, doubtless, by the Treasury, from which he was afterwards removed for malfesance and imprisoned), so far from making any return, admitted that he neglected to get himself ordained priest within the statutable year after reception of the canonry (Theiner, p. 149-50).

Here we break off: not from lack of corrigenda, but our purpose has not been to rectify the body of error contained in this book, but to show the results of treating a subject without adequate acquaintance therewith. To those familiar with the Series in which it appears, this lamentable failure will cause little surprise. For full three decades, the Rolls' Office has gone doggedly on, regardless of exposure and protest, wasting public funds in employing, with rare exceptions, incompetent hands to edit documents, in native tongue or foreign, relating to Ireland. *Quousque tandem?* How long shall we remain content to lie under the stigma of allowing sources of Irish History to be dealt with after the manner described? B. MAC CARTHY.

<sup>1</sup> D. I. V., No. 150

<sup>2</sup> D. I. V. p. 215-6.

<sup>3</sup> *Ib.*, p. 244.

## THE BETRAYER OF OUR LORD

IT is surely an unusual subject to write about—the career of the most infamous man in sacred or profane history. Nevertheless it is a singular fact, that, in comparison with the other Apostles, the materials for a sketch of Judas are much more abundant. That this is so, of course, arises from the fact that he was a chief actor in scenes the most thrilling, the most awful which human history records. A study of the career of the traitor Apostle is not one that touches the heart, and makes the work a labour of love; nevertheless, it is one in which writers and preachers have found most forcible materials to point a most important moral.

In the Gospels the order of naming the twelve Apostles is not always the same, but Peter ever holds the first place, and Judas Iscariot the last. We find in the fathers divers interpretations of the name of each Apostle having relation to some symbolical trait of their vocation. The other eleven were Galileans; Judas was the only Jew. A proverb says: “the Galileans love honour, the Jews gold.” Was it because deeming him to be cautious and prudent that the others charged him with the care of the common purse? Unhappy choice, anyhow, for the wretched Judas. It is certain that he was the only Judean amongst the twelve, and that his second name had its origin in that he came from the town of Karrioth, situated on the confines of the Dead Sea—a miserable place, whose name indicates many sinister significations, Iscariot the man of Karrioth, the man addicted to usury, the man of murderous intent, the traitor.

The man of Karrioth has always been a subject of painful consideration with thoughtful Christian minds. The bitterest and sternest opprobriums of the best men in all ages have been cast upon his name. And yet there have been those among the best and noblest of mankind who were thankful to believe it possible to think of him with feelings of pity. It was on the occasion of the delivery of the Sermon on the Mount that the Apostolic College was

instituted. After the day of loving and ceaseless toil, our Lord, as was His wont, went apart, or more generally up into a mountain, and there found rest and peace in communing with the Eternal Father during all the hours of the night. The mind at best only faintly can realize the solemnity of these lonely hours, broken by no sounds of human life, the stars of an eastern heaven twinkling out of the unfathomable depth upon the figure of the Saviour kneeling upon the dewy sod, and gaining strength for the toil of another day.

At dawn of day after such a lonely vigil on the hillside known to this day as the Kurin Hattin—the Lake of Galilee glittered at its foot—our Lord summoned into His presence the disciples who had gradually gathered around Him. Hitherto their attendance on Him seems to have been irregular and partial. But now a fateful hour was come when twelve were to be chosen from the wider band of general followers. Immediately after the selection to the crowd which, meanwhile, had gathered as usual around Him He delivered the memorable discourse which will be known for ever as “the Sermon on the Mount.”

Why, it has been often asked in reverent wonder, Why did Christ, cognizant of all things past and future, and who reads the innermost thoughts of the soul, admit this miserable man among His Apostles? There are many reasons for it, all of great instruction. Without giving them as being beside our purpose, it may be held as certain that when our Blessed Lord chose him, and numbered him among the twelve Apostles, he was either a saint or on the road to saintliness. The Saviour wishes to do him a favour, and does not desire to take away from him the liberty of making a bad use of it, rendering himself more guilty by slighting it. It was by his will alone that Judas becomes guilty, just as he might become a saint by the right exercise of his will.

When Judas began that career of evil which ended at last in unspeakable wickedness, we cannot know; the Gospel only tells us the result. It must have been gradual, for no man reaches to the highest point of excellence, or sinks

down to the lowest depth of degradation, suddenly. Judas was among the earliest followers of our Lord ; he witnessed His great miracles, believed in Him, and forsook all to follow Him. If his former life had been sinful, as it likely was, it can easily be comprehended that his Saviour's teaching had touched his heart, and had altered his old crooked ways. A brother Apostle, Matthew, had been also a great sinner, and became a great saint. But the very fact that he was called to the Apostleship is proof enough of his sincerity at the time. There is, indeed, a tradition that describes him to be just as our fancy imagines that he ought to be—

“ That furtive mien, that scowling eye,  
Of hair that red and tufted fell.”

But all this is simply a childish way of accounting for the perpetration of great vice—as if the perpetration was fore-doomed, and could not alter fate. Whereas we know well that there are no bad men except those who have made themselves such. So much, surely, can be said of Judas ; it is not that he was a villain by nature, but that he marred and ruined in himself the makings of a saint.

When, then, did the wily serpent first begin the attempt to return whence he had been driven out ? Judas himself, most likely, could not tell when the Christ in his heart began to wane, so gradual are the approaches of evil. No matter, his fall, we may well believe, was like every other fall. The safeguards necessary for his state began to be neglected. Presently, there was need to argue with his conscience, and to attempt the stifling of its cries. The attempt to make the black appear white, as ever is the case, was of no avail. The old bad habits again over-master him, and, against the promptings of his better nature, he tries to believe that it is useless to struggle against fate. That the vice of avarice had a firm grip of the heart of the wretched Judas long before the last days of the Saviour's mortal life on earth, and that it was no sudden yielding to the temptation of the chief priests, is shown by what occurred on the occasion of the sermon at Capharnaum, at the end of the

second year of the public ministry. The declaration that our Lord made of giving His flesh and blood to be the food of men's souls, had so astounded His hearers, and seemed so impossible of fulfilment, that many left Him who had hitherto been attracted towards Him. In deep sadness He addressed to the Twelve the touching question, "Will you also go away?" Peter, as usual, representing the rest, spoke out from his warm heart: "Lord, to whom shall we go? Thou hast the words of eternal life." To the warm-hearted declaration of His loyal disciple our Lord only answered: "Have I not chosen you twelve, and one of you is a devil."

The expression was terribly strong, and there can be little doubt but that the reproach was aimed at Judas, and graciously meant as another grace to save him; the taint that was already working in the heart of the miserable man having been noted by the compassionate Saviour. From the deeper gulf of guilt into which he was falling Judas was not to be held back. That the petty thefts from the common purse went on almost day after day, no doubt, until the mad hunger of avarice well-nigh threw him off his guard, is plainly shown in the incident narrated by St. Matthew, where Mary Magdalene shed the precious spikenard upon the sacred feet of our Lord. "To what purpose is this waste?" cries out Judas. "Why was not the ointment sold for three hundred pence, and given to the poor?" But this he said, St. John remarks, "not because he cared for the poor, but because he was a thief, and having the purse carried the matters that were put therein." It looked reasonable enough to find fault with the loving wastefulness of Magdalen; and the other disciples, showing that they agreed with the remark of Judas, their Divine Master, to shield Mary from any further criticism, in consequence of her noble act, said to them: "Let her alone that she may keep it against the day of My burial. For the poor you have always with you, but Me you have not always."

"Against the day of My burial!" What a blighting of the hopes of Judas was contained in those words! So His condemnation and burial were near at hand. Where now was the prospect of the earthly wealth, the regal elevation,

which they had often indulged in? Did He not expressly promise a great reward? did He not in plain words speak of the twelve thrones on which they were to sit? Where is that promise now? Is this its fulfilment—an accepted defeat, not even thinking of seeking safety in flight?

From his action immediately afterwards, ideas such as those alluded to must have got hold of Judas, for we find that he slunk away from Bethany that night, and made his way to Jerusalem, and got introduced into the Council-room of the chief priests in the house of Caiaphas, and had that first fatal interview in which he bargained with them to betray his Lord. "What will you give me, and I will deliver Him unto you? But they appointed him thirty pieces of silver." We have not the slightest record of what took place, what bargaining went on, till the paltry blood-money was named. A paltry sum, indeed, satisfied the wretched Apostle; the thirty pieces represented about three pounds and sixteen shillings of our money. For this price he was to sell his Master, and in selling his Master to sell his own life, and to gain in return the execration of the world for all generations yet to come. It may be asked, had this man lost the faith? Could he really believe in his heart who Jesus was, and yet sin as he did? The answer may be given by asking another question: Do Christians now-a-days believe when they sin? It is not easy to understand the blinding power of sin. Judas may have reasoned: Well, if He really be the Son of God, no harm can be done. We shall see, anyhow, that the result of his crime—the death of Jesus—this was what he neither intended or expected.

With regard to the delivery of the Lord into their hands, as yet no plan had been fixed upon; there seems to have been a general conviction that it would not do to make the attempt during the actual feast, lest there should be an uproar among the multitude that were well disposed towards Him, and especially among those from His native Galilee.

The presence of Jesus in the Holy City on Palm Sunday, and the Monday and Tuesday following, can only be referred to in connection with His scathing denunciation of the Scribes and Pharisees:—"Woe unto you, Scribes and



Pharisees, hypocrites !” It was inevitable, after the manner in which the wickedness and ignorance of the priestly party were exposed when they vainly tried to ensnare Him in His speech while He taught in the Temple, that they longed for the hour of vengeance. Not only had they been defeated and abashed in open encounter in the presence of their most devoted adherents, but He had suddenly turned upon them, and pronounced on them a woe so scathing, so intense, that they who heard it could never forget it. It was time that this should end. So Herodians and Sadducees, Scribes and Pharisees, meet together, probably on that very Tuesday evening in the house of Caiphas. Of the particulars of the meeting we know nothing, but the Evangelists record two conclusions at which the conspirators arrived: the one, a more determined renewal of the vote that at any and every risk He must be put to death without delay; the other, that the work must be carried out rather by cunning than by violence.

While the conspirators were yet considering the various plans for the seizure of our Lord, they were informed that the man who knew Jesus, who had been His disciple, was without the doors, and ready to carry out the proposals which he had made a few days previously. Ever since the supper at Bethany his mind had been made up, and he now took the final step. It seems probable that the hideous demand for blood-money had come from Judas, and not as an offering, as some think, suggested by the priests. The smallness of the amount given suggests to some writers that it was only an earnest of a further and a larger sum. The language of the Evangelists does not help us to arrive at any certainty. Very likely the details were but little known at the time. The Evangelists and the early Christians generally, when they speak of Judas, seem to be filled with a spirit of shuddering abhorrence too deep for words. Only one dark fact stood out before their imagination in all its horror; and that was that Judas, was a traitor; that Judas had been one of the twelve, and yet had sold his Lord. It seems certain that he received the money before the meeting broke up, and likely enough; the smallness of the amount is accounted for

by the fact that after the fashion of their race they chaffered with the traitor; telling him, that, after all, his agency was unessential; that they could carry out their purpose without his aid. There is one thing certain: that when he left them he was a pledged traitor, ready to deliver his Master into their hands at the first favourable opportunity.

What could have been the motives for the betrayal? This is the point one feels inclined to go back to again and again in a character sketch of Judas. Something more than mere disappointment at the vanishing of his day dreams, when he heard his Master speak of His approaching death, seems necessary to account for his action. Perhaps there was aroused a feeling of rancour at being rebuked for attempting to censure Magdalen. Jealousy, too, may have been aroused at feeling himself less loved than the others were. St. John implies that he was an habitual thief; this fact, in itself, perhaps, sufficiently accounts for his fall. The power of a besetting sin, to what low depths can it not bring a man? He had received warning enough, surely, as we saw, when his Master, at Capharnaum, long before his fall, declared that He had chosen the twelve, but that one of them was a devil. His besetting sin, he very probably struggled against; but as he did not master his sin, his sin mastered him, and led him on, as it usually happens, to his retribution and ruin. What he did after leaving the gathering of the Jewish ecclesiastics is not known; perhaps he at once rejoined his fellow-Apostles, in order to lose no opportunity of a favourable chance to carry out his compact.

The next day—Wednesday—gave no opportunity. The multitude in the temple courts waited in vain to hear the voice of the great Miracle-worker: the day apparently was spent in seclusion at Bethany, in peace and prayer, preparing for the awful struggle so near at hand.

It was late on the Thursday evening when Jesus and His disciples walked from Bethany by the old familiar road over the Mount of Olives into Jerusalem. The gathering dusk enabled the little company to pass unnoticed through the streets, and reach that "large upper room"—perhaps the very same room where, three days later, the terrified Apostles

first saw their risen Saviour. Judas was there, as calm and as self-possessed as any of the others : how lightly he wears his cloak of hypocrisy ! The impudent effrontery of his bearing at the Last Supper has an air about it almost of innocence.

The sayings and doings of our Lord on this the last night before His Passion are related at length by the Evangelists, and have ever, next to the Passion itself, been the favourite portions of the Gospel history for contemporaries to dwell on. Our purpose only allows us to regard the scenes in which Judas figured.

The first action of this great night was the eating of the Paschal Lamb. While they were at supper their Divine Master performed the wonderful and significant act of humility in washing the feet of the Apostles. Amazement and awe kept them silent as each Apostle saw his Lord kneel before him, and wash his feet, until He came to Peter, whose emotions found vent in the half indignant question, "Lord, dost Thou wash my feet ?" When Jesus told Peter that if He did not wash him, he would have no part in Him ; then cried the fervent Apostle, "Lord, not only my feet, but also my hands and my head." Jesus saith to him, "You are clean, *but not all.*" The last words were an allusion to His consciousness of one traitorous presence ; for He knew, what as yet they knew not, that He had just washed the feet of His betrayer.

Oh ! unfathomable depth of ingratitude. Judas had felt the touch of those kind and gentle Hands ; had seen the Sacred Head bent over his feet ; but there was no change in his false heart, so for him there was no purification in that bath, neither was the devil within him banished at the sound of that gentle Voice.

Then, as the supper went on, He said more plainly that one of them would betray Him. They were alarmed, and filled with sorrow ; they did not know what to think ; horrors seemed to crowd about them as the sacred meal progressed. With lips that faltered they each asked the humble question, "Lord, is it I ?" He did not answer them directly, only said that one who dipped his hand with Him in the dish

would betray Him; even still there was time for Judas to repent. The head of John was close to Jesus; and, laying it with affectionate trustfulness on his Master's breast, he said in a whisper: "Lord, who is it?" Our Lord said to him quietly, that it was the one to whom He would give a morsel of bread dipped in the dish. He then gave a morsel to Judas, who took it, and at once asked like the others, "Is it I?" Then it was, as St. John says, that Satan finally entered into him. Our Lord answered softly, "Thou hast said it," and bade him do quickly what he was to do. As Judas was charged with the temporal affairs, the other Apostles thought our Lord only meant him to go and attend to some matter, they not having caught the few words whispered to St. John. So patient and gentle the Saviour was, lest He might bring shame to the traitor who was about to deliver Him into the hands of His enemies.

Judas did not dare to remain any longer. From the lighted room, from the holy Banquet, from the presence of his Lord, he went immediately out, never to return to his company any more. Notwithstanding all that has been written on the sacrilegious reception by Judas of the Sacrament of the Body and Blood of the Lord, in this narrative, strictly confined as it must be to the actual career of Judas, there is nothing to be said about his sacrilegious Communion as a crime to be added to his other awful deeds. For, strange as the statement may seem perhaps to some, there is no certain evidence as to whether the Institution of the Blessed Sacrament had taken place before the time in the progress of the Sacred Banquet when, in obedience to the stern command of his Master, Judas went out into the night.

After Judas had gone out, the other Apostles remained in sweet converse with their Lord. St. John tells us about it in the fourteenth, fifteenth, sixteenth, and seventeenth chapters of his Gospel. It was now late at night, and Judas had at least two hours to organize his plans. He knew that his Master would spend the night in the Garden of Gethsemani, so he seems to have hurried at once to the High Priest, and procured the preparation of the armed force which was to act against our Lord.

Gethsemani lay about half a mile from the city walls ; it was apparently the property of some friend or disciple, and was at the disposal of our Lord as a place of prayer or rest whenever He pleased. After their Divine Master had made His prayer the third time, He comes again to where the three Apostles were, and finds them once more sleeping. While He is yet speaking to the aroused disciples the wretched Judas appears, the armed band more remotely following. The traitor quails not before the ordeal cut out for him ; he glides up to give the appointed signal to the armed men. They were to know that the Man whom he kissed was He Whom they sought. "Hail, Rabbi" was his salutation as he profaned the sacred cheek of His Master. As he came up, our Lord said : "Friend, wherefore art thou come ?" And while the lips of the wretch were on His cheek, said more privately to him : "Judas, dost thou betray the Son of Man with a kiss ?" our Lord is seized and bound, led up the steep city slope to the house of the High Priest.

Nemesis was soon on the track of Judas. When morning came after that terrible night, he heard that our Lord was delivered over to the Roman Governor ; then he began to realize all that he had done. Despair now reigned where avarice had ruled previously. He rushed to the chief priests with the money in his hand, and offered it to them back. "I have sinned," he shrieked to them, "in that I have betrayed innocent blood." They received him with scorn—"What is that to us ? See thou to that." He cast down the pieces of silver in the Temple, and went and hanged himself.

There is no need to dwell on the sorrowing circumstances of the last end of the traitor. He had given himself freely and willingly to evil courses. The price that must ever be paid for the doing of evil—that he did not realize until the knowledge only availed to drive him into the eternal darkness of the suicide's grave.

JAMES HUGHES.

## Liturgical Notes

### ANSWERS TO CORRESPONDENTS

#### EXPOSITION OF THE MOST HOLY SACRAMENT

REV. DEAR SIR,—May I beg a solution of the following difficulties? Suppose that on a particular Sunday, when red or purple is the colour of the day, there is to be, for some special object, Exposition of the Blessed Sacrament, from Mass till Vespers.

1. Should the Host be consecrated at the Mass, or may it be taken out of the tabernacle?

2. In the event of the latter, should it be taken out after the consumption of the chalice, or at the end of Mass?

3. Is the cope worn by the celebrant to be the colour of the day, or white; and if the latter, are the deacon and sub-deacon also to change their dalmatics?

4. Are the antependium and tabernacle-veil, during the Exposition, to be white or the colour of the day?

D.D.

For less solemn Expositions of the Most Holy Sacrament, such as that to which our esteemed correspondent refers, there is no strictly obligatory ritual. Hence, the manner of exposition, as well as the ceremonies accompanying it, is regulated by local custom, or by the ordinances of the bishop of the place, whose duty it is to see that no abuse or practice unworthy of the exalted character of the function should be permitted to creep in.<sup>1</sup> Hence, in replying to our correspondent's questions, we can merely lay down the unalterable principles, which must always be insisted upon, pointing out at the same time where variety of ritual is permissible.

1. For the exposition of the Most Holy Sacrament on Corpus Christi, or on the occasion of the Forty Hours' Adoration, it is generally laid down that the Host to be used should be consecrated at the Mass of Exposition. This, however, is not necessary, and if there be already in the

<sup>1</sup> Martinucci, lib. ii., c. xi., nn. 1. 2.

tabernacle a consecrated Host, suitable for the Exposition, it will suffice.<sup>1</sup> Hence, *a fortiori*, for an entirely extra-liturgical exposition a previously consecrated Host will suffice.

2. With regard to the time at which the Host should be placed in the monstrance in these less solemn expositions we are of opinion that it may be done either immediately after the consumption of the Precious Blood, as is generally prescribed for Corpus Christi, and the exposition of the Forty Hours, or at the end of Mass.

3. If the exposition takes place immediately after the communion of the celebrant, a cope is not required at all, unless when there exists a custom, sanctioned by the bishop, of giving benediction in these circumstances after Mass. In this case the celebrant goes to the bench after the last Gospel, lays aside the chasuble and maniple, and assumes a cope of the colour required by the office of the day. The deacon and sub-deacon lay aside their maniples, but retain the dalmatic and tunic worn in the Mass. If the exposition takes place immediately after Mass—that is, without the interposition of any other function, such as a sermon—the celebrant, deacon, and sub-deacon are vested as just directed in the case when benediction follows Mass.

4. The antependium and the veil of the tabernacle should be always white during the exposition of the Most Holy Sacrament; and, when there is question of the exposition of the Forty Hours, these ornaments should be white, even during the Mass of Exposition, also, no matter what colour the office of the day, or the Mass celebrated should require.<sup>2</sup> But, with regard to other expositions, such as we have been discussing in these replies, the antependium and the veil of the tabernacle during the Mass which precedes Exposition should be of the colour required by the Mass, whether the Exposition takes place immediately after the communion in the Mass, or immediately after the Mass itself. In either case the white antependium and tabernacle veil are to be substituted for those of another colour, immediately after the conclusion of the Mass.

<sup>1</sup> Wapelhorst, n. 221, note 1.

<sup>2</sup> *Ceremonies of some Ecclesiastical Functions*, p. 166.

## THE BLESSING OF THE FONT ON HOLY SATURDAY

REV. DEAR SIR,—What form of blessing is to be used in blessing the baptismal font on Holy Saturday in small churches, in which priests have no means of performing all the ceremonies of the Missal? In other words, what form is a priest who goes through none of the ceremonies proper to Holy Saturday, except that of blessing the font, to use?

I mention some of the forms of blessing, about which in particular to use, a priest so circumstanced may be doubtful:—The form proper to the Mass of Holy Saturday; the form of the Roman Ritual; the form given in the Ritual (page 42), edited by Father M'Neece of the diocese of Armagh, and bearing the *Imprimatur* of His Eminence Cardinal Logue.

By answering the above question in next number of the I. E. RECORD you will greatly oblige,—Yours respectfully,

A SUBSCRIBER.

Our esteemed correspondent assumes that there are parochial churches in which it is practically impossible to carry out the morning ceremonies of the last three days of Holy Week. Now this assumption we believe to be at present totally unfounded. Up to the year 1725, it was necessary that these ceremonies should be carried out in a very solemn manner, that the celebrant should be assisted by sacred ministers, and that there should be a choir of trained singers to render the responses, &c. Then, of course, it was difficult, if not impossible, to carry out the ceremonies of these days in accordance with the only authorized ritual. But, in order to overcome, or rather to get rid of, this difficulty, which the strict observance of the rubrics of the missal involved, Benedict XIII. in the above year, issued the *Memoriale Rituum* for use in small churches. This ritual so simplifies the ceremonies of these days, that instead of the array of sacred ministers, and trained choir which the rubrics of the missal require, three, or at most four, altar-boys are the only assistants the celebrant need have.

Now, as has been more than once pointed out in these pages, there is no parish in which such assistants cannot be had; and, hence, there is no parochial church in which the



ceremonies of the last three days of Holy Week cannot be carried out. No parish priest, we think, would consider himself justified in omitting the blessing and distribution of candles on the feast of the Purification, nor of ashes on Ash-Wednesday, merely because he could not have a Solemn Mass with sacred ministers, and a trained choir. Yet these functions are just as complex as those of Holy Week, and are certainly not more important. Indeed, we have no hesitation in saying, that the ceremonies of Holy Week, both from their commemorative and symbolical character, are among the most important, as well as the most instructive and beautiful, of the whole ecclesiastical year. For these reasons it has always appeared to us an unaccountable anomaly that the faithful in country parishes should be deprived of the great spiritual advantages which they might derive from taking part in these ceremonies. True, the Church forbids priests to celebrate strictly private Masses of devotion on these days; but the symbolism which this prohibition preserves does not require that the faithful should be kept away from the churches, nor that they should be denied the privilege of assisting at the ceremonies which the Church has ordained for these days. On the contrary, the Church is most anxious that her children should avail themselves to the utmost of this privilege; and for this reason Benedict XIII., as we have seen, modified the former prohibitory rubrics, so as to render the celebration of these ceremonies possible in the smallest and most remote parishes. Now, since the Church displays such desire to have these functions celebrated everywhere, and since she has made this celebration so simple, it is not unlawful to infer that a parish priest, who neglects to have them celebrated, at least in the principal church in his parish, fails to fulfil his obligations to his people. In support of this inference, a decree of the Congregation of Rites can be cited, in which it is expressly stated that in parochial churches, in which there is not a sufficient number of clergy to carry out these ceremonies in a solemn manner, they should be carried out in

accordance with the instructions given in the *Memoriale Rituum*.

"An Ecclesia Prochialis omnino adigatur ad functiones Sabbati Sancti juxta parvum Caerimoniale sa. me. Benedicti XIII. si sufficienti clero destituatur?"

"*Affirmative* et servetur in omnibus solitum juxta parvum Caerimoniale Benedicti Papae XIII." <sup>1</sup>

Though Holy Saturday alone is mentioned in this decree, the obligation it imposes extends to the two preceding days; for so intimately connected are the functions of these three days in the mind of the Church, that she strictly prohibits the functions of any one of them, unless it has been preceded or is to be followed by the functions of the other two. Hence, we entirely reject our correspondent's hypothesis, that a parish priest is free to omit the functions of Holy Saturday, and we hold that he is bound to have these functions, as well as those of the two preceding days, celebrated either by himself, or by another priest, even though it should be necessary for him or another to study the ceremonies of these days,<sup>2</sup> and to train three or four boys to assist at the functions.

But if through either neglect or necessity a parish priest omits the other functions of Holy Saturday, can he bless the font, and with what form? These now are the questions our correspondent asks. We reply that he cannot bless the font as a portion of the ceremonial of Holy Saturday;<sup>3</sup> but there are circumstances in which he may and ought to bless it as a separate function, and in the same manner in which he should bless it, did the water fail or become corrupted at any time during the year. What these circumstances are, we will now proceed to explain. It is not lawful to use the old oils in administering Baptism or Extreme Unction, after the new oils blessed on the preceding Holy Thursday have been procured. Neither is it lawful, we infer, to use the old baptismal water after the distribution of the new oils.

<sup>1</sup> S. R. C. Julii 22, 1848, n. 4971, ad 5.

<sup>2</sup> The ceremonies of these functions, in both large and small churches, will be found fully explained in *The Ceremonies of some Ecclesiastical Functions*.

<sup>3</sup> De Herdt, tom. 3 or 24.

Hence, if a priest receives the holy oils on or before Holy Saturday, he should on that day bless the font, and infuse the new oils. But as this function is wholly unconnected with Holy Saturday, and is of obligation, not because the day is Holy Saturday, but because of the arrival of the holy oils, it may be performed at any time of the day, and not necessarily in the morning. And for the same reason the form to be used in blessing the font is not that given in the Missal, but that given in the Ritual. The form given in Father M'Neece's excellent excerpt from the Roman Ritual cannot be used in any country which has not received a special indult permitting its use ; but from the fact that the learned and painstaking editor has introduced it into an edition of the ritual, intended mainly for this country, we take it that such an indult has been granted to this country.

Hence, either this form, or the longer one given in the Roman Ritual, is to be used in the circumstances we are now considering. This we consider is what should be done on Holy Saturday, by a parish priest, who, from any cause, omits the functions of the last three days of Holy Week, but receives the holy oils on Holy Saturday. If he does not receive the oils, then he should not bless the font at all on that day, but should defer it until he has received the oils.

D. O'LOAN.

## Correspondence

### COMMENTARIES ON SACRED SCRIPTURE

REV. AND DEAR SIR,—Many priests, like myself, would, I am sure, be much pleased to know what Commentaries on the Scriptures are recommended as being best suited for priests who have not much time they can call their own. I am aware that there are voluminous and exhaustive Commentaries on the Sacred Books of both Old and New Testaments. Such Commentaries for a priest who may happen to have a store of them at hand are invaluable in the preparation of his sermons. But the fact of their being so bulky very often deters from a closer study of them priests who might wish to make themselves acquainted in a general way with the different and more difficult passages to be met with in reading over the Sacred Books. Personally, I shall feel grateful to you if you will give in an early number of the I. E. RECORD a list of such Commentaries on all the Sacred Books, Old and New, and especially on the Psalms, as are best calculated, from their treatment and brevity, to assist priests in active missionary life who have few continuous hours for study, in acquiring at least a summarized knowledge of the interpretations of the Books of both the Old and New Testament.

SACERDOS.

[We have great pleasure in complying with our esteemed correspondent's desire, and as his object forbids our referring to classic works like those of Maldonatus, Estius, or A. Lapide, we shall content ourselves with naming works whose pregnant brevity or easy accessibility renders their mention desirable.

And, first, as to the Old Testament. The Commentary of Menochius, on the whole, of the Old Testament, is still justly regarded with much favour by biblical scholars. It was first published in the seventeenth century, and has been often republished since. An edition of it was printed in Dublin in 1814, in three quarto volumes, for the use of the students of Maynooth. We fear, however, that it is scarcely to be had of any bookseller in this country at present; but we think it ought to be obtainable in Rome, Paris, or Louvain.

On the Psalms, which our correspondent mentions specially, we can recommend, particularly for devotional pur-

poses, Bellarmine's Commentary, which has been translated into English by Archdeacon O'Sullivan. Less devotional, but more satisfactory as a scientific exposition, is Steenkiste's work on the Psalms, published in three parts, in Bruges.

A very useful little work on the Psalms read in the common of the Offices of the Roman Breviary, has been written by Father Schouppe, S.J., whose theological eminence is sufficient guarantee for the soundness of his opinions.

As regards the New Testament, here, too, we have the Commentary of Menochius on all the Books, marked throughout by characteristic brevity and solidity. As a very compendious, but useful aid to the understanding of the New Testament, we can heartily recommend the Notes of our distinguished countryman, Dr. Kenrick, Archbishop of Baltimore. His translation of the New Testament from the Vulgate, enriched by these brief notes, was published in New York between 1849 and 1851. The other works which occur to our mind hardly need to be mentioned, as we feel sure our correspondent is thoroughly familiar with them. The learned and pious works of the Most Reverend Dr. McEvilly, extending to the whole New Testament, with the exception of the Apocalypse; the Commentaries of Dr. McCarthy on St. Matthew's Gospel, and of Corluy on the Gospel of St. John; Steenkiste's excellent Commentary on the Epistles of St. Paul, and his brief, but much inferior exposition of the Catholic Epistles—all these are works which deserve mention, and will repay perusal. They are, however, much more diffuse than the Commentary of Menochius, or the Notes of Dr. Kenrick.

JOSEPH MACRORY, D.D.]

LETTER OF REV. MR. EDGELL, RECTOR OF BROMHAM, TO  
CANON O'HANLON, ON THE LAST DAYS OF THOMAS MOORE  
BROMHAM RECTORY,  
CHIPPENHAM, *Feb. 13th, 1895.*

REV. AND DEAR SIR,—I have much pleasure in answering as best I can your queries about Moore, and hope you will pardon my dilatoriness in doing so. I have been far from

well, and the extreme cold has been very trying to the aged like myself. As regards Moore, I knew him, as also "Bessy" intimately, from 1843 to 1850, when his mental powers rapidly failed. It was, as far as I can remember, early in 1850, that he accompanied my wife and myself—Mrs. Moore never would go out to parties—to a dinner party, where he broke down in singing one of his melodies. Coming home he said to us, "My memory is failing, and I will not sing in public again!" Soon after his mind entirely failed, and for two years he saw no one, except "Bessy," and an old faithful servant named Rictor (?). They and they alone nursed him up to his death. Just at the last he rallied a little, and his last words were, "Bessie, have faith in God!" What caused Moore's sudden and premature illness (for he was only 72), was I believe—he was paid by his publishers £3,000 for it before he had written a line—the forced writing of his *History of Ireland*, a most uncongenial task for such a man as Moore.

As regards Moore's religious opinions and creed, there is not the least doubt but that he lived and died a Roman Catholic: that he was remiss in his duties as such, is equally certain. It must be remembered that "Bessie" was a strong Protestant; and although a priest—Father Lacock, I think—called more than once during his illness, he was never allowed by Mrs. Moore to see him.

I fear you will think my letter long and prosy, but I have been led on by the subject, for S. C. Hall and his wife must have misunderstood me. What I told them was, that Moore attended Bromham Church three times a year—at Christmas, on Good Friday, and Easter Sunday; but that he lived and died a Roman Catholic, you may be assured.

I shall be very glad to receive your article on "The Catholicity of Moore," and also Dr. Ambrose's, which I have not seen. And now, with my kind regards,

Believe me, yours faithfully,

EDWARD B. EDGELL.

The Rev. JOHN CANON O'HANLON, P.P.,

St. Mary's, Star of the Sea, Irishtown, Dublin.

[We have received another letter on the above subject from Dr. Daniel Ambrose, M.P., but as it arrived too late for publication this month, we are obliged to hold it over till May.

ED. I. E. R.]

## ORDINATIONS ANGLICANES

PARIS, 98, RU DU CHERCHE-MIDI,  
15th Mars, 1895.

MONSIEUR,—Dans votre numéro de Mars, p. 287, je lis, sous la signature D. O'C., un compte-rendu bibliographique sur la brochure que j'ai publiée l'année dernière "Etude théologique sur les Ordinations Anglicanes." Il s'y est glissé une assertion inexacte que je crois de mon devoir de rectifier, d'autant plus que la matière est déjà assez difficile et assez controversée.

L'auteur du compte-rendu dit d'abord : "Fr. Boudinhon . . . points out, in the first place, that the text of the ordinal employed on the occasion of Parker's supposed consecration is substantially different from that in use in the Latin Church." Cela est parfaitement exact ; mais l'auteur continue : "But our author goes on to say, that a mere accidental difference would, in the circumstances, produce a like result." Cette assertion est absolument le contraire de ce que je pense et de ce que j'ai écrit. J'ai au contraire expressément affirmé que les ordinations anglicanes seraient valides si les différences qui existent entre l'Ordinal d'Edouard et le Pontifical romain étaient démontrées accidentelles. Une affirmation comme celle que me prête l'auteur du compte-rendu ne serait pas théologiquement soutenable.

Je compte sur votre courtoisie pour vouloir bien reproduire, dans l'un de vos prochains numéros, la rectification que j'ai l'honneur de vous adresser, et je vous prie d'agréer, Monsieur le Directeur, l'expression de mes sentiments les plus distingués.

A. BOUDINHON.

[We gladly accept the interpretation of his meaning given by the learned author of the pamphlet referred to. We are well aware that he opposes the contention of M. Dalbus, that the Anglican Ordinal contains the substantial part of the rite as it is found in the Roman Pontifical ; but there were several passages in his treatise which led us to believe that he went farther still, and applied his objection to what might be regarded as accidental differences. He quotes a passage from D'Annibale, at page 33, with apparent adhesion ; and two other passages at pages 14 and 15, led us to the same conclusion. His own explanation, however, clears up all

doubt on the matter, and we are happy that his pamphlet does make itself responsible for the doctrine which some doubtful passages contained in it would lead one to interpret in the sense explained by us.

D. O. C.]

#### A HOME FOR INVALID PRIESTS

REV. DEAR SIR,—In your eminently practical prospectus for this year, you say that you will “be happy to receive any contribution in the shape of correspondence or of an essay . . . regarding the promotion of any special form of charity, devotion, or good work.” This, I think, is a move in the right direction, as we, priests, have no other safe expositor of our grievances or special duties in Ireland, but your admirably-conducted periodical. I need not say how injudicious and dangerous it is for us to rush into print in the dailies or weeklies of our time, in this country, about our household duties, wants, or shortcomings. Hence, I hail with great pleasure this paragraph in your prospectus, as affording an opportunity of bringing before your readers a work for the good of sick or invalid priests, which I have had at heart for the last quarter of a century. I have repeatedly spoken on the subject to several bishops, and to many priests in all the dioceses of the South of Ireland; but while they, one and all, acknowledged the absolute necessity of the work, no one would undertake the onerous duty of initiating it.

In all the dioceses of Belgium there are truly admirable institutions for infirm priests conducted, respectively, by the Brothers of St. John of God, the Brothers of Charity, and the Brothers of Mercy. In France, and in Italy, they exist in certain well-known centres, to which the bishops of the different dioceses are entitled to send their invalid priests, either for a time or for life. In France, an Order has been specially founded for this purpose, with the motto: “Sacerdos, alter Christus.” It was commenced by a secular priest, and its members are Franciscans of the Third Order. Even in England, we find two or three such institutions: one at Southampton, a branch house of the French Franciscan establishment. In an advertisement in the *Catholic Times*, the Superior writes: “Priests receive the greatest care and attention when seriously ill: the nuns never leave them night or day.” There is another at Clifton, Bristol; besides the House of St. John of God, at Scorton, Darlington, Yorkshire.



But, here, in Ireland, if a poor curate falls sick, and is obliged to leave his parish, he is, not unfrequently, in a worse position than the merest mechanic; for, even if he have a home in the country, he is usually without the necessary medical attendance, and utterly deprived of the care of trained nurses, who alone can attend him safely and successfully. Alas! what dangers for soul as well as for body, for a young man confined to a country home with a long lingering disease. *Experto crede.*

I remember, some twenty-six years ago, attending a young curate, whose condition illustrates what I have just said, and whose end is a powerful plea for a better state of things. His illness had caused the death of his mother, and his sister had lost a lucrative situation whilst attending him. The straitened circumstances of the family had necessitated his being lodged in a neighbouring house whilst his poor mother was dying, and, in his last moments, he said to me, with a bitter anguish I can never forget: "Oh! it is dreadful to be a sick curate without a home!" His words struck me so forcibly, that I resolved, then and there, to do all in my power to provide such a home as priests, in a like position, would gladly avail themselves of.

I remember another case of a young priest who suffered from a painful disease, and who most naturally shrank from being nursed by secular persons. He was lodged for a short time in a monastery, but had to take leave, because of the Superior requiring the room for another purpose. The only course now open to him was to hire secular lodgings, which he did; but, in a very brief time, his annuity from the diocesan fund was exhausted. In a perfect agony of mind he implored me to do something for him, or to secure admission to a religious house where he might spend the few days he had to live, in security and peace; but, alas! my hands were tied. I could neither receive him into our own house, nor provide another suitable home for him; and he was, consequently, obliged to return to a country cottage, where, after a few weeks, he died.

Examples of this kind intensified my longing to see a home for invalid priests spring into being, and I had arranged with two of the most learned bishops in Ireland to found such an institution; but, unhappily, death struck them down before they were able to begin the good work. If such a home is necessary for young invalided priests, it is not less so for those advanced in years. Where else will they find that disinterested care, and that

safe, prudent, and pious nursing so necessary, *quando deficiunt vires*, and especially in those moments on which eternity depends? How often have we not burned with shame, and sighed with compassion over the last moments of those whose life-long mission it had been to prepare others to meet their God in a becoming way! If a priest, almost invariably, finds it a matter of the utmost delicacy to warn or to advise a brother priest, how can we expect seculars, with their innate reverence for the priesthood, to be more daring, even in the supposition that they have the necessary spiritual qualification? And, therefore, if seculars only are found at the bedside of the invalid or dying priest, who will vouch for the uniform piety of his thoughts, seeing that there is no one present with the courage or the aptitude to suggest them? In this respect the advantages of a religious, surrounded by his loving brethren, are infinitely greater. Even could he, on the approach of the awful moment of death, find it in his heart to be cold or apathetic, the mere presence of his brethren would be sufficient to rouse him from his lethargy, and serve as a mute reminder of his obligations as a priest preparing to meet the God at whose altar he had so often stood, and before whose throne he will shortly tremble.

I humbly submit that the happiness of the last hours of the secular priest can only approximate to or equal the above by securing the presence, in the sick room, of those whose vocation it is, not only to cure the ills of the body, but also to assist the soul in preserving a holy union with God. If such a priceless boon is ambitioned, we can only hope to secure it by uniting our efforts for the erection of the Home that I have been suggesting.

I once asked a wealthy and truly virtuous old priest to aid me in this work, and his answer was: "I do not see why the Trappists could not do it with all that money they got from Mr. Moore! Why should I do it?" Sometime afterwards I assisted him in his last moments, and there was not one around him to suggest a good thought, as death approached, but the Nuns, whose only reward was their consciousness of doing what their holy vocation demanded. Nay, he was scarcely cold in his grave when his nephew expressed to me his fears that great scandal would be given to the Church by his will, and so it proved. The document was contested: over £1,000 was squandered in law-proceedings, and his character was blackened before the Courts by his own flesh and blood, who sifted his whole

sacerdotal life in order to find matter for exposure and reprobation. As to his remark regarding Mr. Moore, I found that that gentleman expressly excluded secular priests from the benefits of his endowment. Again, not very long ago, I tried to persuade another rich old priest to do something for this charitable object, but he became quite indignant that I should dare suggest such a thing. It is well known what happened after his death, and the scandal that was caused at the removal of the corpse.

To come, now, to a practical conclusion, let me ask: Can such a House be founded and supported in Ireland? An unhesitating affirmative can at once be given, for I have indisputable proof that the Brother-General of the Brothers of Mercy is ready and willing to found such an Institution, if he can get any encouragement from the priests of Ireland. Moreover, all the priests to whom I have broached the subject, have expressed their willingness to subscribe 10s. or £1 a year for its support, on condition of their being guaranteed a room therein, in case of sickness, at the rate of £40 per annum, all found. We have also the good Fathers of Melleray not only offering to superintend such an establishment, but ready to lay down £500 in hard cash for its erection, and as a proof of their good will. The words of the Statutes of Maynooth bring out most forcibly the generosity of the offer, and show, at the same time, how much it was appreciated by the bishops to whom it was made.

As no better conclusion could be found for this letter, allow me, Mr. Editor, the liberty of quoting the weighty words referred to, in full:—

“Quaestio ab Eñno Praeside Patribus proposita est, quomodo melius provideri posset refugium pro Sacerdotibus aegrotantibus et quavis de causa infirmis, necnon asylum pro iis Sacerdotibus qui vitio ebrietatis infeliceiter addicti sibi prospicere non possent. Cum super hac re Patres inter se colloquerentur, nuntiavit Episcopus Coadjutor Kildariensis, Revmum Abbatem Cisterciensem de Monte Mellario paratum esse curam ejusmodi instituti sibi assumere, et quidem 500 aureos in impensas necessarias conferre quod omnium plausu receptum est. Inde recensuit Revmus Abbas condiciones quibus monasterium in hunc finem destinatum a suo Ordine constitui et moderari posset; adjiciens tamen idem refugium non posse, ipso judice, simul inservire Sacerdotibus aegrotantibus et lapsis. Haec a Revmo Abbate singulari modestia et charitate nec non sermone nitido et eloquenti exposita omnibus Patribus placuerunt.”<sup>1</sup>

<sup>1</sup> *Cong. Priv. Decimasexta, die 18 Sept. 1875, p. 52.*

That holy and learned Religious knew and felt this crying want for our priests, through the sad experience he had of so many painful cases during his long and fruitful ministry as Abbot of Mount Melleray.

F. J.

[We shall gladly open our pages to an expression of opinion on the charitable proposal made in the foregoing letter. We will only ask our correspondents to be as brief as possible and to duly authenticate their letters, or, better still, to sign their names, a course which we much prefer in cases like the present.

ED. I. E. R.]

## Documents

SOME OF OUR MARTYRS : FATHER ARTHUR MAC GEOGHEGAN, O.P.

(continued.)

### IV. THE SPANISH AMBASSADOR NICOLALDI'S ACCOUNT.

Father Eliseus who was accustomed to see the cruelties practised on Catholics, says that everyone was speaking of Father Arthur's fate, as if it was something extraordinary, as if the judges had surpassed themselves in injustice. On the other hand, Nicolaldi, who was fresh from Catholic Spain (he came to London in 1631), was so horrified at the scene of perfidy and inhumanity he beheld, that he was amazed that people could take it all so quietly. His is by far the most important and circumstantial of all the narratives. Its points of coincidence with the Mostyn MS. are so many and so obvious, that it is not necessary to draw further attention here to them. It contains also the confirmation and completion of the description of the *Palma Fidei* :—

El Padre fr. Arthuro de  
Sto. Domingo, alias Gheohagan,  
Irlandes, religioso de la Orden  
de Predicadores llegó de la

Father Arthur of St. Dominic  
alias Geoghegan, an Irishman,  
a member of the Order of  
Preacher's, came into this coun-

Bretaña en Francia a este reino en Julio passado de 1633. Dió luego la obediencia al Superior que ay aquí de dicha orden. por cuyo medio tubo entrada en casa del S<sup>r</sup> Don Juan de Nicolaldi, Residente de España en esta corte, y gozó de la limosina ordinaria que da su S<sup>ra</sup> a los sacerdotes pobres que dicen missa en su capilla. Aviendo estado aquí el dicho Padre cerca de dos meses en empleos de edificación trató de bolver a la dicha Bretaña con commission del dicho Superior para acabar de assentar una limosina de consideracion la qual una señora Inglesa que reside en aquella Provincia le avia mostrado mucha voluntad de dar a los Ingleses de la dicha Orden. Antes de poder partir topó en la calle a fulano Bust Ingleses capitan de mar a quien en Lisboa avia hecho grande amistad como se verá despues.

Quisole desconocer el capitan por verle fuera de su habito, mas el Padre presto se le dió a conocer con acordarle el mucho bien que le avia hecho y su ruin retorno, escocióle al capitan la platica y ido á casa la consultó con un pariente suyo: en la consulta tomó resolucion de acusar al Padre de palabras dichas en Portugal dos años antes contra el Rey de la Gran

try from Brittany in France, last July, 1633. He at once presented his obedience to the Superior<sup>1</sup> of the said Order, who is here, by whose means he obtained admittance into the house of Don Juan de Nicolaldi, the Spanish ambassador to this court; and he received the ordinary alms which his Lordship gives to the poor priests that say Mass in his chapel. When he had been here about two months, occupied in works of edification, it was agreed that he should go back to Brittany with an order of his Superior, to complete the arrangements about an alms of considerable value, which an English lady, who lives there, had assured him she had a great wish to give to the English fathers of the said Order. Before he was able to start, he happened to meet in the street a certain Bust, an English sea captain, to whom he had shown great friendship in Lisbon, as will be seen later on.

The captain did not wish to recognise him as he was not in his habit, but the priest soon made himself known by reminding him of all the acts of kindness he had done him, and of his ungrateful return. This admonition annoyed the captain, and when he went home he consulted one of his own relations; the result of this consultation being, that he came to the

<sup>1</sup> This was Father Thomas Middleton. He was appointed Vicar-General of the English Province, 8th July, 1622. He was commonly known by the name of Dade. In 1628 he was captured by the notorious pursuivant, Humphrey Crosse, and was consigned to the Clink Prison, where he was still in captivity in 1635. Afterwards, in Newgate, he narrowly missed martyrdom, in 1651. He resigned his office of Vicar-General in 1655, and died peacefully, 18th May, 1662.

Bretaña y para este efecto acudió al Vizconde de Falcland y al Baron . . .<sup>1</sup> consejeros del Rey y de particular consejo. Dieron luego commission para prenderle al Padre como se hizo ocho dias despues con harto rigor, pues im embargo de que estubiesse enfermo fué llevado de la cama a la carcel, con orden expressa que en ella nadie le hablasse. Al mismo tiempo como parece, cogieron una arca con los papeles del Padre.

Corrió luego la voz por la ciudad y el reino de que se avia preso un religioso venido de España para matar al Rey. Vistos los inconvenientes que brotarian de semejantes rumores los quiso atafar el Sr. Residente de España con mucho zelo y vigilancia y assi embió luego un recado al Vizconde de Falcland representandole lo que sentia la prision del religioso, y pidiendole su soltura pues sabia era persona honrada y bien innocente de lo que le imputavan el vulgo, añadiendo que corriendo la voz que traya aquel dañado intento de España lo tenia por gran agravio se diesse ocasion a rumores tan falsos, pues en España desesavan al Rey de Inglatierra larga vida y mucha felicidad. Respondió el Vizconde, que no siendo esta prision por materia de religion ni por por cosa que tocasse a España, como se la assegura debaxo de palabra de

resolution of accusing the priest of words spoken in Portugal two years before against the King of Great Britain, and for this purpose he had recourse to Viscount Falkland and Baron [*Newburgh*], both of whom were Councillors of State and Privy Councillors. They issued a warrant for the priest's arrest, which was effected eight days afterwards in a cruel way, for, notwithstanding his being ill, he was taken out of his bed to prison, and strict orders were given that no one should speak to him. At the same time, as it appears, they also took a box of papers belonging to the priest.

The news immediately spread through the city and kingdom, that a priest who had come from Spain to kill the King was imprisoned. Foreseeing the troubles which might arise from such rumours, the Spanish ambassador with great zeal and vigilance endeavoured to check them; he therefore sent a message to Viscount Falkland, representing to him how deeply he felt the imprisonment of this priest, and asked him to liberate him, for he knew him to be a good man, and innocent of what the people imputed to him. He added, that as the report was spreading that he had brought this diabolical intention with him from Spain, he considered it a great grievance that people should give occasion for such false rumours, because in Spain they wished the King of England a long life and much happiness. The Viscount answered, that as this arrest was not for any

<sup>1</sup> Blank here in the original.

cavallero, le supplicava le perdonasse sino pudiesse satisfacer a lo que pedia.

Para conocer la causa del Padre nombró el Rey demas de los dos consejeros de estado al Guardassellos y al Secretarió de estado, Coke, todos Puritanos declarados. Hallaron estos entre los papeles del Padre fr. Arthuro la commission que tubo de su Superior para assentar dicha limosina en dicha Bretaña, y con ocasion della mandaron llevar ante 17 al dicho Superior de la carcel adonde ha estado y está algunos anos ha, por causa de nuestra santa fée. Hicieronle muchas preguntas, y aunque satisfizó a todos sin poderle hallar tacha, salió della con mas apretura de prisiones.

Despues de muchos secretos examines que por espacio de tres meses passó dicho P. fr. Arthuro delante de los tres deputados *porque el Vizconde Falcland que fué el quarto, y quien por interes proprio de algunos papeles que sabia estaban en poder del dicho Padre, y le importavan para ciertas tierras en Irlanda, como por el odio que tenia a nuestra santa fée, apretó mas contra el dicho Padre, faleció pocos dias despues de hecha la prision de una cayda que dió subiendo con el Rey a un arbol de donde se tira*

matter concerning religion, nor for anything that regarded Spain, as he assured him upon his word of honour, he begged him to forgive him if he could not grant his request.

Besides the two Councillors of State, the King commissioned the Keeper of the Seals, and Coke, the Secretary of State, to examine the priest. They were all thorough Puritans. They found amongst Father Arthur's papers the order which he had received from his Superior to settle about the alms in Brittany, and for that reason they commanded that the said Superior should be brought before seventeen [*Grand Jurymen*?] from the prison where he has now been for some years confined for the cause of our holy faith. They put many questions to him, yet although he answered them all, and they could not detect a fault in him, nevertheless he was condemned to still closer confinement.

During the space of three months Father Arthur was often examined in private by the three Commissioners. Viscount Falkland, who had been the fourth, died a few days after the arrest. He had urged on the case against the priest more than the others; both on account of his own interests, because he knew that there were in the priest's possession certain papers of importance to himself about some lands in Ireland, and on account of the hatred he bore to our holy religion. His death was

<sup>1</sup> Italicized in the original.

á los venados, y de tal manera se le desmenuzó el hueso de la pierna que fué fuerza cortarle arriba de la rodilla, y no sin sentimiento como afirman personas fide dignas de averle alcançado lo que el mismo tenia amenazado al Padre de molerle a palos los huesos.

Pasados pues estos exámenes lúnes a cinco de Diciembre 1633 fue sacado en publico al salon grande ordinario de justicia y en un grandissimo concurso delante de la justicia mayor deste reino se le leyó la accusacion que le tenia hecha dicho Capitan Bust escrita con grandes encarecimientos de, traycion, la substancia della fue que avia dos años que estando dicho Padre en el navio de dicho Capitan inato a Lisboa avia dicho estas palabras. Si en algun tiempo fuere á Inglatierra mataré el Rey si le pudieré alcançar. Añadieron a esta accusacion aver hecho escarnio del Rey quando le prendieron, metiendo el dedo en la boca, y diziendo con mal gesto, no se me da esto de vuestro Rey. Hecho este cargo, comenzó a ponderar y agravar la causa el fiscal del Rey, despues desto se presentaron alli algunos testigos, y quanto a la primera parte de la accusacion juró fulano Wheeler tratante que oyó al dicho Padre decir las dichas palabras en el lugar y tiempo que resa el cargo y añadió que la raçon porque

caused by a fall from a tree, which he and the King had climbed, in order to get a shot at some deer. The Viscount's leg was so shattered by the fall, that it had to be amputated above the knee. Persons worthy of belief say he confessed that his threat against the priest, namely, "that he would crush the priest's bones to dust 'had been fulfilled in respect of himself.

When these examinations were over, on Monday, December 5th, 1633, he was taken before the Lord Chief Justice. The great Court was crowded with spectators. The indictment for high treason, couched in the strongest terms,<sup>1</sup> which had been lodged by Captain Bust was first read. The substance of it was that two years ago when this said priest happened to be on board the Captain's ship which was lying at anchor in Lisbon harbour, he said:—"In case I ever go to England, I will kill the King, if I can only get at him." They added to this accusation that he mocked the King when they were arresting him, that he put his finger into his mouth with a contemptuous gesture, saying:—"I do not care that for your King." When these charges were finished, the Attorney-General began to exaggerate and to make the case worse. Then some witnesses presented themselves. As regards the first part of the accusation, a certain merchant called Wheeler, swore that he heard the priest say

<sup>1</sup> See the *Coram Rege Roll*.



dicho Padre quiso matar al Rey fué por ser herege.

En confirmacion de la misma parte juró fulano Essing tambien tratante aver oydo al dicho Padre en el mismo lugar y tiempo el sentido de dichas palabras sin afirmarse en la particularidad dellas.

Aéstosse allegó fulano Davenport afirmando con juramento oydo averlo contar alli al dicho Wheeler. Quanto a la segunda parte de la accusacion juraron dicho Bust y dicho pariente suyo aver visto el gesto y oydo las palabras en el prendimiento de dicho Padre.

Oydos ya los testigos començó el Padre Arthuro a dar su descargo por su misma boca, no se le concediendo otra ni persona con quien se aconsejasse, corriendo en esto el extremo rigor con que se niega en esta tierra a qualquiera acusado en materia criminal otra defensa de la que puede haçer por si el delinquente. Dió principio a su respuesta con afirmar resueltamente aver jurado falso los testigos en quanto avian despuesto y para maior conocimiento de su innocente proceder tomó la corrida desde el primer conocimiento que tubo con el dicho Capitan Bust, y los testigos Wheeler y Essing, diziendo en summa lo que se sigue.

Que estando en Lisboa llegó á ella dicho Capitan en com-

those words at the time and place mentioned in the indictment; and added that the reason the priest wished to kill the King was because he was a heretic.

In confirmation of this, a certain Essing, another merchant, swore that he also heard the priest say substantially the same, at the time and place aforesaid, but that he could not vouch for the exact form of expression.

A certain Davenport added his testimony to theirs, and affirmed on oath that he had heard him repeat the same to the said Wheeler. As regards the second part of the accusation, Bust and his said relative swore that they had seen the priest make the grimace, and say those words at the time of his arrest.

When the witnesses were heard, Fathur Arthur began his defence himself, as they would not allow him counsel, or even a person from whom he could ask advice. They availed themselves in this of the extreme rigour of the law of this country, which refuses a man accused of a criminal matter any other defence than he is able to make for himself. He commenced his reply by boldly affirming that the witnesses had perjured themselves; and to make his own innocence clear, he described all that had happened from the time when he first made the acquaintance of Captain Bust and the witnesses, Wheeler and Essing. The substance of his words was as follows:

That while he was in Lisbon, the said Captain, in company

pañia de otros con tres vaxeles de los quales uno era fabrica de Hollanda, y por aver en esto contravenido a las pragmaticas fueron embargados vaxeles y bienes, y aun confiscados por sentencia dada contra ellos. Tuboles gran lastima por ser Ingleses y assi les favoreció con el Duque de Maqueda que governava en Portugal, y tanto pudo que fué revocada la sentencia y restituidos los vaxelles y bienes, y aviendo el dicho Capitan ofrecido al Duque de haçer servicios contra Hollandeses le pidió le diesse un nabio bien armado con que pudiesse haçer effectos, y saliendo el P. Arthuro como fiador del, el Duque le dió un vaxel suyo de guerra de 300 toneladas con el qual se alçó hasiendo despues contra Españoles, y entendiendose con Hollandeses, y assi sin aver parecido mas, se vino a Inglatierra, siendo esto parte para el dicho Religioso quedasse poco acreditado con el Duque, y esto fue el mal termino que le afeó al Capitan quando le topó en la calle.

Mas quanto a las platicas que passaron en el nabio, dixo que con ocasion del favor referido yendo muchas veces al nabio de dicho capitan hallóle una leyendo un libro frances de los fundamentos de la creencia de los Protestantes, tomoselo de la mano, y oxeando topó un capitulo en que se negava el libre alvedrio, y comenzando a razonar sobre este punto sacó por consecuencia que conforme á este doctrina no peccaria en

with others, arrived there with three ships, one of which belonged to Holland; and as this was a violation of the treaty, the vessels and their cargoes were confiscated in virtue of a sentence given against them. He pitied them very much because they were English, and he interceded for them with the Duke of Maqueda, who was then Governor of Portugal; the result being that the sentence was revoked, and the vessels and goods were restored. Then, as the Captain offered the Duke his services against the Dutch, and asked for a well-armed vessel in order to fight them effectually, on Father Arthur's becoming security, the Duke gave him one of his men-of-war, of 300 tons. The Captain went away, and used the vessel to fight for the Dutch against the Spaniards themselves. He never appeared in Lisbon again, but came back to England. This had termination of the affair was the reason why the priest lost the favour of the Duke, and it was the reason why the Captain was so annoyed when he met him in the street.

As regards the discourses which passed on board the ship, he said that on the occasion of the act of kindness just referred to, he went very often to the Captain's ship, and one day he found him reading a French book, on the foundations of the belief of Protestants. He took it from his hand, and looking over it his eye fell on a chapter in which free will was denied. He began to discuss the point, and showed that according to this

matar a qualquiera, y le replicó qualquiera? Aunque sea el Rey? Respondió que si, pues sin libre albedrio no peccaria, y esto es todo lo que passó en dicha conferencia sin averle passado iamas por el pensamiento cosa contra el Rey, antes affirmó averle sido gran motivo para el bien que hiçó a estos ingleses ser ellos subditos del mismo Rey, que el reconocio por suyo. Quanto al desacato en el prendimiento lo que passó fue que diciendo él que le prendio, que ya era prisionero de su Magd. confiado en su inocencia exprimio el poco cuydado que le dió con una action que se usa.

Sin embargo de todo esto, y sin que pudiesse decir los testigos occasion que citasse para haver dicho el Padre las palabras de que le accusaron, prevaleció su juramento dellos contre el inocente, y luego el iues tradandole de vil traydor, condenóle como a tal con una larga arenga del mismo tono, y fue executada la sentencia con el rigor que luego se verá.

Condenado ya el buen Padre le despojaron de su capa, del poco dinero y lo demas que tenia, y en calcas y iubon le llevaron al otro cabo del lugar, a la carcel que se llama, el banco del Rey, adonde Martes a las cinco de la tarde llegó el Buffon del Rey diciendo que yva de parte de su amo a ofrecerle la vida, si confessava de plano su delicto, y descubria los complices; respondió el Padre que

doctrine it would be no sin to kill anybody. "Anybody," repeated the Captain, "even the King?" He answered, "No, for without free will there can be no sin." Nothing more passed between them in that conversation. He had never even a thought against the King: in fact, a chief reason why he had befriended the Englishmen was precisely because they were subjects of the same monarch as he was himself. As regarded the alleged disrespect at the time of his arrest, what really happened was this: when the official that arrested him said "You are the King's prisoner," as he was conscious of his own innocence, he expressed by an ordinary gesture how little he minded the arrest.

Notwithstanding all this, and though the witnesses could not mention an occasion on which the priest said the words they accused him of, their oaths prevailed against his innocence.

Thereupon the judge decided that he was a vile traitor, and delivered a long harangue to that effect. As will be seen presently, the sentence was rigorously carried out.

As soon as the good priest was condemned, they despoiled him of his cloak, of the little money and whatever else he had about him. He had now only his waistcoat and breeches on. They led him thus to the prison, called "The Marshalsea," which is at the other side of the city. The King's jester arrived there on Tuesday, at 5 o'clock in the evening, and announced that he came on the part of his

como no avia nada, ni aun por pensamiento de lo que le avian acusado, no podia aver complices que descubrir.

Ydo el Buffon encerraron al Padre en un rincon adonde estava otro pobre Catholico preso sin darle nada de comer ; de allí a dos horas llegó el carcelero, y le dixo que el dia siguiente moriria, y que no se engañasse con esperanças, y aunque nadie se persuadió que se podia executar esta muerte, se lo fueron a decir al dicho Senor Residente de España que aquella noche hizo diligencias grandes con los ministros, y por por escrito por su medio dellos con el Rey con que los abia hecho antes tambien por el dicho Religioso tomando el mismo pretexto del recado que embió al conseio quando sucedió la prision. Con el recado del carcelero quedó el Padre en vela toda la noche encomendandose á Dios con mucho fervor, y sintiendo el faltarle el consuelo de confessor, y assi llegada la hora en que pudiesse salir el compañero, rogóle el Padre, que pues en aquella carcel no avia sacerdote, saliesse con permission del carcelero para traerselo de otro parte, pero el carcelero no le dexó salir diciendole que quando bolviesse quixa no le hallaria allí.

master to offer the priest his life, on condition that he would openly confess his guilt, and discover the names of his accomplices. The priest replied that as he had never even in thought been guilty of what they accused him of, there could be no accomplices.

When the jester had gone, they shut up the priest in a corner where there was another poor Catholic prisoner, without giving him anything to eat. Two hours after, the keeper came in, and said to him that he was to die the next day, and that he need not deceive himself with any vain hopes. Though no one believed that he would be executed, yet they came to tell the Spanish ambassador. He went that night to the ministers, and used his utmost endeavours with them, and through them, by letter with the King, to whom he had already addressed himself in favour of this religious, using the same arguments in his petition as he had used to the Council when the arrest took place. In consequence of the keeper's message, the priest remained awake all night, recommending himself to God, and regretting that he had not a confessor. As soon as the hour struck when his companion could go out, he begged him, as there was no priest in the prison, to go out with the keeper's permission and to fetch him a priest from somewhere else. The keeper refused to let him go, saying that when he came back perhaps he would not find him there.

A penas eran las siete de la mañana quando ya le sacavan al Padre para llevarle á la muerte, estando toda la casa y calle quaxada de gente para verle: llegado el Padre a vista della dixole el carcelero, a morir rays; decid aqui delante de Dios y esta gente si aveis dicho las palabras de que os han acusado. Hincóse de rodillos el Padre, y alçando los ojos y las manos al cielo dixo: no tenga yo parte en mi Dios si las he dicho, ó iamas dicho ó pensado cosa contra el Rey.

Dicho esto ataronle sobre un poco de paja en un lecho de mimbres clavado sobre dos palos largos, y desta manera le llevaron arrastrando en el suelo a las colas de tres cavallos mas de tres millas largas hasta la horca de Tyborne, cosa que jamas se ha hecho, pues de la carcel adonde le pusieron llevan a justiciar a otra horca mas cerca de aquella parte, pero esto se hizo con el Padre Arthuro para mas afrentar y atormentarle y para que el pueblo con este desacostumbrado rigor hiciesse concepto de grandes maldades. Passó el Padre tan largo trecho en continua oracion sin cansar ni derramarse en otra cosa. Llegado á la horca, fué quitado de los mimbres y puesto en un carro debaxo della, y el mismo dió la mano al verdugo ayudandole a subir para ponerle la sogá a la garganta, la qual puesta pidió licencia a la iusticia para hablar, conciedronsele: començó luego el

It was scarcely seven o'clock in the morning when they led the priest out, in order to take him to execution. The whole house and the street were crowded with people waiting to see him. When he came out in front of them, the keeper said to him: "You are going to die; acknowledge before God and these people if you have said the words you are accused of." The priest fell on his knees, raised his eyes and hands to heaven, and exclaimed: "May I have no part in my God, if I said them, or if I ever said or thought anything against the King."

When he had done speaking, they tied him down on a little straw laid upon wickers which were nailed to two long sticks, and in this manner they dragged him along the ground at the back of three horses, three long miles, to Tyborne. This was a thing never done before, because from the prison where they put him, they always take those who are to be executed to another gallows near at hand. But they did this to insult Father Arthur, and to inflict greater torment on him. They had another motive also for this extraordinary severity: they wanted to impress the people with the belief that he was a great criminal. Notwithstanding the length of the journey, he spent the time in continual prayer, without getting tired or occupying himself with anything else. When he arrived at Tyborne, he was lifted from the hurdle into a cart which stood underneath the gallows. He gave his hand to the hang-

Padre con vos clara y distincta, cosa que espantava por estar enfermo y en ayunas.

En primer lugar hizo grandes protestaciones de su inocencia, rogando á Dios que no le admitiese en su gloria y le entregasse luego cuerpo y anima a mil demonios si jamas avia dicho las palabras de que fué acusado ni pensado decirlas, o otra cosa contra el Rey. Repetió muchas veces estas y semejantes protestaciones exprimiendolas con vibo sentimiento y muchas muestras de inocencia, y para que le oyessen todos, bolviasse á todas partes oyendole la gente que avia concurrido en grandissimo numero con mucho silencio. Luego rogó á Dios con grande affecto por los Reyes y sus hijos, y declaró que moria en la fée de la sancta Iglesia Catholica Romana creyendo todo que ella cree, y como hijo verdadero de la sagrada Orden de Santo Domingo. Todo lo quel repetió diversas veces, lastimandose mucho de que no se le hubiesse concedido Sacerdote para confession y Sacramento, perdonó tambien á sus acusadores, y rogó á Dios y al Rey que les perdonassen. Ya se iba desnudando los vestidos con grande mansedumbre, quando se careó con un Sacerdote, el qual le dió absolucion occultamente, como pudo sin que se hechesse de

man, who helped him to get up, in order to put the rope round his neck. When this was done, he asked the sheriff's leave to speak, which was granted him. He then commenced in a clear and distinct voice, a circumstance which filled the bystanders with awe, for they knew he was ill and fasting.

In the first place he protested in the strongest terms that he was innocent, and prayed that God might not admit him into His glory, but deliver him up body and soul to a thousand devils, if he had ever said the words of which he was accused, or thought of saying them, or anything else against the King. He repeated these and similar protestations over and over again, speaking with the most intense earnestness, and giving many proofs of his innocence. In order that everyone might hear him, he turned round on all sides. The vast concourse of people listened to him in breathless silence. Then he prayed most devoutly for the King, Queen, and royal family, and declared that he died in the faith of the holy Roman Catholic Church, and as a true son of the holy Order of Saint Dominic. He said all this several times. He expressed also his great sorrow at not being allowed a priest in order that he might go to Confession and Holy Communion. He also pardoned his accusers, and besought God and the King to forgive them. He was already taking off his clothes, with great meekness, when he caught sight of a priest giving him

ver, estando entretanto el Padre haciendo cruces, imbocando devotamente la Virgen Sanctissima, y pidiendo a Dios perdon de sus peccados; fué tanto su consuelo de verse absuelto que quedó soureyendo.

Llegó ya el punto crudo quando apartandose el carro quedó colgado el Padre haciendo cruces con ambas manos levantadas. Dieronle un tirón de los piés, y luego le cortaron la sogá, no quedando mas que aturdido; acudió el verdugo con presteça y quitandole la camisa con un cuchillo, sacóle el coraçon y la mostro al pueblo diciendo; Mirad el coraçon del traydor; luego lo echó en un fuego que para el effecto teman encendido, en el mismo le echaron las entrañas.

Mientras que passava esta cruel carniciera dava el Padre manifestas señas de vida y dizen muchos de sentido perfecto y conocimiento de lo que con el se hazia. Tambien se dice mucho de un olor suavisimo que se sentia de las entrañas que ardian. Esto hecho le cortaron la cabeça, y dividieron el cuerpo en quatro quartos, los quales llevaron embultos en paja á perdigar, para poner la cabeça sobre una torre encima de la puente, los quartos sobre las puertas de la ciudad, pero despues hubo orden secreta para escusar esto, y dicen que le enterraron todo de noche debaxo de la misma horca.

absolution, as well as the priest could, without being perceived. He continued meanwhile making the sign of the cross, fervently invoking the Blessed Virgin, and begging God to forgive him his sins. So great was his consolation at seeing himself absolved, that he continued smiling.

At length the fatal moment arrived; the cart was drawn away, and the priest remained hanging. He repeatedly made the sign of the cross, and raised up both his hands. They gave him a pull by the feet, and cut the rope while he was only stunned. Then the hangman rushed at him, cut his shirt open with a knife, took out his heart, and held it up to the people, saying: "Look at the heart of the traitor." They then threw it and his bowels into a fire which had been lit for the purpose.

During the time this cruel butchery was going on, the priest gave evident signs of life, and as many say of perfect consciousness and knowledge of what they were doing to him. The people also speak very much of a sweet odour that exhaled from what was burning. When this was over, they cut off his head, and divided his body into four parts. They rolled all up in straw, in preparation for putting the head upon a tower which stands on the bridge, and for putting the quarters over the city gates; but afterwards there came a secret order that this should be dispensed with, and it is said that they buried the remains altogether that night under the scaffold.

Bolvió la gente a casa con muy diferente sentimiento del que llebó diciendo muchos Protestantes que era inocente el Padre, y que no trocarian suertes con los que le avian acusado por todo el mundo. Aquella misma tarde salieran coplas impressas de su muerte llenas de mentiras, las quales harán harto daño en Inglaterra.

Esta es la relacion del caso puntualmente y no se discurre nada sobre ello, y cada uno conocera con que pequeña ocasion ha podido la malicia de los herejes dar la muerte a este Religioso por odio de la religion, y hazer tiro a los Catholicos, dando a entender todos ministros particularmente los de Palacio que no se hasia caso desta accusacion, ny padeceria por ella y assí lo deçian para frustrar las diligencias que se hicieron en el tiempo de la prision, y despues por el dicho Senor Residente, que fué el solo que los hiço publicamente.

El mismo Senor Residente escrivio al Sr. Marques de Castelarodrigo de Londres a los 9 de Diciembre, 1633, las palabras que sieguen: —

“De aquí Senor no veo que deçir a V.E. esta semana, un fraile Dominico Irlandes nos ahorcaron dos dias ha, que puede entrar en el numero de los martyres. No puedo embiar aora á V.E. la relacion particular deste caso, que lo haré

The people returned home with very different feelings from those they took with them. Very many Protestants said that the priest was innocent, and that they would not for all the world exchange places with those who had accused him. That very afternoon a ballad came out about his death; it was full of lies and will do great harm in England.

This is an accurate account of the case. Nothing is made of the matter here, and from this everyone can see on what a slight pretext the malice of the heretics was able to inflict death on this religious. out of hatred to religion, and to calumniate the Catholics. They represented to all the ministers, particularly to those residing in the palace, that sufficient attention was not being paid to the grave nature of this accusation, that the priest would get off, and they did this in order to frustrate the efforts which were made at the time of the arrest as well as subsequently by the Spanish Ambassador, the only person that spoke out publicly.

The same ambassador wrote to the Marquis of Castelarodrigo from London, on Dec. 9. as follows: —

[NOTE.—This extract has already been printed on page 911 of the I. E. RECORD for October, 1894. It will be observed that the Marquis in quoting makes



otro dia, y verra su Santidad si a few unimportant changes  
tiene persecucion o no nuestra or omissions.]  
Religion en Inglatierra, que por  
ella padeci6 este Religioso  
buscandole malicioso pretexto,  
sin que pudiesen obrar mis  
diligencias con este Rey y  
ministros para salvarle la vida,  
de que he quedado con mucho  
sentimiento, &c."

THE END.

## Notices of Books

### THE CEREMONIES OF SOME ECCLESIASTICAL FUNCTIONS.

By the Rev. Daniel O'Loan, Dean, Maynooth College.  
Second Edition. Dublin: Browne & Nolan, Ltd.

YEAR after year books come on almost all subjects, but most of them pass away for ever, and leave no traces behind save in the recollections of the unfortunate critic whose only consolation for the drudgery of reviewing them is the little share he may have had in apprising the public of their worthlessness.

Father O'Loan's book evidently belongs to the few that come to stay. It is seldom that the first edition of a work on the subject has been rewarded with the success that has attended Father O'Loan's effort to supply the need of a text-book on the *Ceremonies of some Ecclesiastical Functions*. A second edition has, we understand, been demanded for some time past, and we are glad that the learned professor has at length responded to the call. Though, we are sure, its intrinsic merits could not fail to commend it to the clergy, we believe that Father O'Loan's reputation as a rubricist has had no small share in promoting the circulation of his book. For many years he has been dispensing rubrical lore to inquirers in every land where the I. E. RECORD is read. His willingness to settle little points for the scrupulous P.P., is only equalled by his adroitness in disposing of those who question the accuracy of his information. The readers of the I. E. RECORD need not be told that, at least in the case of one notable controversy, when what may be called the public rubrical opinion of this country was opposed to his views, the Sacred

Congregation of Indulgences confirmed the opinion of our author, and thus settled a very practical question. But his book, we repeat, was on its own merits, bound to take root in the esteem of the clergy. It contains a clear and accurate exposition of ceremonies in which almost every priest has occasionally to take a part. The ceremonies of Solemn Mass, Solemn Vespers, Benediction of the Most Holy Sacrament, the *Quarant' Ore*, Holy Week, and of certain other special days are explained in a style that makes this work at once a suitable class-book for students, a handy book of reference for the busy priest on the mission, and an invaluable guide for sacristans. A cursory perusal of it is sufficient to convince one that Father O'Loan must have considered very carefully the details of his subject. But what author can provide for all the complications of ceremonies, or foresee all the contingencies that may arise in their performance? I am not aware that any book on the ceremonies of the feast of the Purification states how the clergy in the choir are to give the *pax* while holding lighted candles. While we consider it unreasonable to ask Father O'Loan to deal with all such minutiae in the next edition of his valuable book, we would suggest to him to add a short chapter, or an appendix on the particular ceremonies of the *Missa Cantata*.

Father O'Loan's teaching on the manner of giving Benediction of the Most Holy Sacrament will, probably, surprise some of the older ecclesiastics who have been accustomed to follow the rite as recommended by the Synod of Thurles. But the author has not, we think, departed from this traditional usage, if it may be so called, without the most convincing reasons. In a footnote to page 154, he writes: "In the appendix to the decrees of the Synod of Thurles, *De ritu servando in expositione et benedictione Sanctissimi Sacramenti*, the following directions, differing from those given above, are put down:—'Clauso tabernaculi ostiolo, collocat (celebrans) ostensorium in medio corporali, genuflectit utroque genu, deinde reponit illud in throno et faciens profundam reverentiam descendit ante infimum altaris gradum.' Baldeschi gives precisely the same directions. We do not feel, however, any hesitation in departing from the observances here recommended. First, the genuflection on both knees, as well as the profound inclination in the circumstances, seems to be entirely without analogy. The rule regarding genuflections to be observed by the sacred ministers engaged at any function at an altar on which the Blessed Sacrament is exposed, is, that the genuflections

are to be on *one knee only*, with the sole exceptions of the genuflection made on arriving, and the one made when departing from the altar. . . . Nor is there any better support from analogy for the profound inclination which the priest is directed to make before descending to the foot of the altar. Such a salutation, unaccompanied by a genuflection, is never, we venture to say, offered to the Blessed Sacrament."

Instead then of a genuflection on both knees, Father O'Loan directs one made only on one knee, and for the profound inclination he would have a genuflection also on one knee. In favour of this view he cites the best authorities, such as Wapelhorst, Martinucci, De Herdt, and Vavas seur.

Since the publication of the first edition, Father O'Loan has been appointed Professor of Ecclesiastical History, and we have no doubt that in this new and wider field he will do as solid and lasting work as he has done in the department of liturgy.

T. P. G.

SELECTIONS FROM THE PONTIC EPISTLES OF OVID. Rev. E.

Maguire, D.D., Professor of Ancient Classics, St. Patrick's College, Maynooth. Dublin: M. H. Gill & Son.

THE selections from the *Pontic Epistles* have been brought together, and annotated by Dr. Maguire, for the benefit of beginners in the study of Latin. Those Epistles cannot be placed among the masterpieces of Latin poetry. Frequently they have not a much higher claim to the title of poetry than their metrical form. Hence in beginning with them, the study of Latin verse, the young student will not be placed in the danger of accustoming himself to neglect in the toil of construing all appreciation of real thought and feeling. He will not acquire for any masterpiece of Latin poetry a feeling of repugnance begotten by the travail undergone in unravelling its constructions. When we add to this, that the Selections made by Dr. Maguire contain but few constructions that are very involved, and that they give occasion for the description of the leading myths, and the great historical events so frequently referred to by Latin authors, we can well conclude that they form an excellent text-book for those who are beginning the study of Latin.

After the Selections we have copious Annotations. Dr. Maguire's reputation as an educational expert is a guarantee that those notes are all that could be desired for those for whom they are intended.

After the Annotations we have a set of searching Exam Questions, and then a complete Glossary of the words Selections. The Annotations, and the Glossary prove necessity for translation or dictionary, and thus Dr. N. reduced to a minimum the labour necessary that young students may master the Selections.

P. M.

ESSAYS. By Sarah Atkinson, Author of *Life of Mary Aikenhead*. Dublin: M. H. Gill & Son.

THIS is a work which we have read and re-read with pleasure. The subject-matter is so interesting, and the treatment so attractive, that it cannot fail to please even the most fastidious.

It is made up of a series of essays. First in order is the story of the life of O'Curry, the great Irish scholar and philologist, "Father of the Gael, last Father of the Gael of Erin." The boyhood life of O'Curry, the habits of the peasantry of his native district, his rise to fame and long-continued labours to snatch from oblivion the soul-stirring language of the Gael, are depicted in a style at once pleasing and impressive. Next comes a sketch of St. Brigid, Abbess of Kildare. The author tells of her zeal for God's glory, and how it manifested itself; while entwined with the authentic account of the labours of the holy nun are the legends called up by the imaginative faculty of her admirers when they wrote of their "dear saint." A short account of "those Geraldines" is the third in order. Then comes the life of a citizen saint, Catherine of Sienna. Few characters in Italian history are so admirable. No one can read her life without being improved thereby. Her humility, poverty, and charity are sketched by our author in a most attractive manner.

The articles on our great sculptors, Foley and Hogan, show that Mrs. Atkinson's æsthetic tastes were of no mean kind. We can only notice *en passant* the other subjects discussed. They are—the story of St. Patrick's Purgatory, from Fazio degli Uberti; the doings of the Lady Dervorgilla, and the effect on the conquest of Ireland. Coming down to a period nearer our own time, we meet with the Volunteer movement of 1782, the rising of 1798, and the cruelties of the yeomanry, especially of the infamous Beresford bloodhounds. The closing pages deal with the woollen industry, its antiquity, success, and decline. We cannot speak too highly of the worth of this book, and can recommend it as a valuable and delightful collection of essays.

D. O'C.

# THE IRISH ECCLESIASTICAL RECORD

MAY, 1895

## SCHOOLS OF THEOLOGY<sup>1</sup>

IT is remarkable that the same Pope who, a few years ago made St. Thomas Aquinas a universal text-book, should have been led afterwards to urge upon us the study of the Scriptures in their original tongues, and, consequently, of the problems, whether in history or criticism, to which they furnish an opening. The conjuncture of two such different—nay, such apparently disparate—sources of knowledge, is, indeed, a tradition as well as a necessity, from the Catholic point of view; yet, the duties thence arising cannot be simple; they will need some harmonizing or adjustment, if they are to be fulfilled without confusion, loss of time, and individual hardship; and I propose, on occasion of Père de Régnon's most suggestive volumes, to offer some reflections, such as, in my own case, I have found not altogether fruitless, and that may serve, at any rate, as Bacon says, to stir the earth about the roots, to break up the fallows, and to prepare the ground for our spring sowing.

When we look into our religion, we find in it three elements, every one of which has played a great part in the world by itself, while to combine them in the same living organism might have appeared beforehand to be impossible. These are tradition, contemplation, and systematic philo-

<sup>1</sup> *Etudes de Théologie Positive, sur La Sainte Trinité.* Par Th. de Régnon, S.J. Première Série, Exposé du Dogme: Deuxième, Théories Scolastiques. Paris, 1892-3.

sophy. Tradition includes Church and Bible—the written and the spoken word. Contemplation is much the same as spiritual experience—a direct, personal, and in some sense, immediate intercourse with the objects of faith. And philosophy arises by reflection on the data which these two sciences, of the letter and the spirit, supply for its consideration. Not that we can divide so clearly between these functions of the one supernatural creation, as to leave out of Scripture the contemplative element, or put tradition on this side, and philosophy on that: the unity in which they live and move and have their being is vital; when we attempt to cut its parts asunder, they escape from our analysis. Outside the Church, tradition may be stereotyped, as with the Greeks; enthusiasm, disdaining rule and authority, is apt to run into ecstatic sects, no less ephemeral than extravagant; and philosophy sometimes absorbs religion, as with Hegel, or, again, looks upon it as delusive word-spinning. I need refer only to Hume and our modern Agnostics. The signal triumph of Christianity in the Catholic Church has been to combine prophecy with reasoning, contemplation with an objective rule of faith, and analysis with a firm assurance in the creed of which it was drawing out a systematic theory. Hence, although for the purpose of clear thinking, we must take these “moments,” or several faculties, one at a time, we should be falling into grievous error did we suppose that they exist apart.

Furthermore, we must bear in mind the method on which Providence has given Revelation, and brought it along its various stages, whether in the society which is its guardian, or in the members themselves. Prophet, priest, or contemplative, metaphysician, or mystic—in every case the instrument through which the Spirit acts, and upon which His influence descends, is a child of Adam, with no new faculties superadded to his human nature, if we mean thereby a range of powers as unlike intellect as intellect is unlike sensation, but only with these same faculties raised up, enlightened, and given strength beyond their native competence. So that, while we are careful to recognise the

divine element, we must not overlook the medium through which and in which it works. Again, we should mistake if we attempted to part the words from their sense, or the mind from the message it was delivering, as if they had been merely put side by side, and not fused in the same creative fire. As well might we hope, in a parallel subject, to reach the poetry of Shakspeare without submitting ourselves to his language, or to view Michael Angelo's "Last Judgment," though refusing to glance at the surface on which he has painted it. By a necessity of our being, we are compelled to take the matter and form of things, as the scholastics would say, *per modum unius*. Ideas must be clothed in some material vesture; and all Revelation has been given through the individual.

There was, then, at a certain point in time, some one man, with the characteristics of his age and training, in definite circumstances, and with a frame of mind special to himself to whom the "Word of the Lord" came, in a speech, or, at all events, in such an order of thought as he could apprehend; not as a blind formula, but as a light arising upon him, and with the consequent duty of spreading it abroad. If, however, the word was thus circumstantial, a concrete oracle which had life in it, and was germane to the prophet's temperament, we are at once prepared for the diversity of style, the various range of thought, and the peculiar mode of viewing any given transaction, which we observe in St. Paul as contrasted with St. John, in the Book of Leviticus when set over against Isaias, or in Ecclesiastes compared with the Psalms. The same divine mind does, indeed, pervade Scripture, but the human minds which express it are as various as they are many. They form parts of one dispensation; yet each is himself, with his own affinities of thought and language; not to be simply translated into his neighbours' dialect, but, on the contrary, resisting any such mechanical treatment as would bring him down to a set of algebraic terms, to be shifted from one side of an equation to the opposite. Are we to receive his truth? then we must welcome his utterance. Our anxiety should lead us, not to refine it

away into colourless formulas, but by the exercise of sympathy and understanding to enter into its purpose, and ascertain its bearing on the other parts of the sacred text.

But now, since in the Bible itself, we acknowledge, as the most eminent of Catholic teachers, from St. Jerome to Cardinal Newman, have pointed out "the characteristics of dialect and style, the distinct effects of times and places, of moral and intellectual character;" in other words, those individual aspects which it must have, unless it dispensed with human agency altogether in its composition, how much more must we do the like, when we pass down from inspired heights to the level where, for the most part, speculation exercises its dominion? Whereas the writings of the prophets are in such manner given as to furnish the standard of our creed, those of the fathers and doctors supply either a testimony to its truth, or a commentary upon its meaning. To the writers of the various portions of the Bible we may ascribe, under divine influence, a creative power; they, it is not unlawful to maintain, were as "second causes" of the religion into which we are baptized. But the fathers of the Church are *ex officio* witnesses; the doctors are commentators: nor can we ascribe to them an authority which is the correlative, not of witness or commentary, but of Revelation as such, in its immediate and God-given form.

Hence, it follows that any one father, taken by himself, neither does nor can decide an article of faith, whereas a single prophet is equivalent to all the prophets, and his word, since he speaks as the very lips of the Holy Spirit, is irreversible. It may be added to; it cannot be taken away; fulfilled in a larger sense than was, perhaps, disclosed to the recipient, but never destroyed. In the fathers we note a public function, so far as they express, by their united testimony, the common creed; and, again, the degrees and varieties of individual genius which discriminate one from the other, which do not entitle them to lay down the *lex credendi*, but only to give us their thoughts as our fellow-men, highly endowed, worthy of grateful reverence, yet still not coming to us with a "Thus saith the Lord," nor



commanding under pain of anathema. We should never lose sight of those plain and salutary warnings which St. Augustine himself, as though foreboding the time when they might be greatly needed, has given us: "*Id genus litterarum*," he says, in writing against Faustus the Manichee, "*quo non praeicipiendi auctoritate, sed proficiendi exercitatione scribuntur a nobis, non cum credendi necessitate, sed cum judicandi libertate legendum est . . . Itaque in iis, si qua forte propterea dissonare putantur a vero, quia non ut dicta sunt intelliguntur, tamen liberum ibi habet lector auditorve judicium, quo vel approbat quod placuerit, vel improbat quod offenderit.*"

This largeness of dissent goes farther than at present I am desirous of urging it. My point is, not that we may, if reasonable grounds are forthcoming, positively assert, in a Catholic authority so highly placed, the existence of error, but that his individual views do not bind us; that we are at liberty to put them on one side, and take our own way, according to our temper, disposition, and cast of thought. Spiritual training has always recognised the necessity of freedom—of elbow-room, if I may so term it—unless opportunities are to be lost, characters crushed out of their proper shape, and the secret influences of the Holy Spirit checked and thwarted by the short-sightedness of men. In like manner, the mind, which has its own delicacy of feeling, its native lights, and instincts of a given range, and shy anticipations of truths that are in due time to make a world round about it, must not be laid on the Procrustean bed of another man's formulas, and told that its repugnance to them is wilful obstinacy. Wise teachers would be looking out for such indications of a genius reacting on the materials furnished it, instead of passively yielding, as the many always do yield, to impressions whencesoever derived. If it be true that Revelation has come to us, not in the shape of abstract general principles, but rather as divers chants which make up one harmonious poem—and if, the greater the prophet the more individual he appears—we ought surely to conclude that no agreement of minds is so well worth aiming at as that which arises, amid diversity of technique

and handling, from that unity in divine illumination which is compatible with the richest exuberance of personal traits.

It is easy to grant this, like any other truth with which we are familiar, in the abstract; but to act upon it, when liberty is claimed against ourselves, may be an exercise of virtue. Happily, the individual who would find a home for his special cast of thinking in the Church, is not compelled to fall back on "Athanasius against the world," and so run the risk of claiming rights too difficult to maintain. For speculation has always split up into schools; names may be cited against names, doctors against doctors; to agree with all is impossible, and so far as we go with one we cannot help deserting the other. If I hold with the views which St. Augustine put forward in his last writings on Grace and Predestination, I shall turn by instinct from the Molinist who speaks a different language. But I may also feel that neither Molina nor St. Augustine offers me a philosophy in which I can rest; or, perhaps I take no pleasure at all in the speculations which propose to work up into a system the long array of Conciliar decrees on this subject, and then I shall, by a sort of inertia, acquiesce in the dogmas themselves without attempting an explanation. Thus we handle the School teaching, so far as it is not directly bound up with the Creed, according to our personal bent; not capriciously, nor as if it were all a game of syllogisms where one set of counters was just as good as another, but individually, as we take to ourselves in a book of devotions those thoughts and feelings which strike home by their adaptation to our own spirit. A Platonist will not feel comfortable under the "dry light" which abounds in the treatises of Aristotle: the air, the climate, do not suit him, and he will look round for some way of escape into his proper latitude. But the mystic, who finds in Plato many a sentence on which he fastens with eagerness, will yet decline "jurare in verba magistri." His mind flies back like a spring when left to itself; he cannot be made to think by rote, and the freedom which he delights in goes beyond substituting one logical system for another. He speculates, indeed, with no timid essay; but his language,

genius, and habitat are those of the poet. Abstractions, though heaped together, or drawn out through volumes, cannot equal the abundant imagery which is the condition, no less than the vehicle, of his spontaneous thought. Is there anything suspicious, savouring of heresy, or disloyal, in such a temperament? Certainly not. For him, too, the Catholic Church has a place and a function.

Suppose, however, that for reasons of moment, a single author must be taken, not to the exclusion of others as venerable, but for the common text of study, how, we ask, shall we gain the benefit which systematic teaching holds out, without losing that which, if it fails us, no system can atone for—I mean, the true intellectual life, personal initiative, and thinking our thoughts in the unity of the faith? Whatever philosophy may mean, assuredly it is neither routine nor repetition. Unless we see eye to eye with the master we are quoting, our lessons will be mechanical, and we shall take with us words instead of ideas. But here is the problem: for the thoughts of genius are living to itself, yet may be dead to us. Who, indeed, can reckon the thousands of disciples that have asserted without insight, taken principles for granted which they would not be at the trouble of ascertaining, and made themselves perfect in the letter while the spirit was far from them?

Even a worse peril looms up, when we reflect on the necessary limitations of a system, however liberal and far-reaching; its strict adherence to formulas, and the abstract nature of these; its burden of axioms, middle terms, and conclusions, all of which demand to be explicitly reconciled in one body of doctrine. It has been observed that among the reasons for which Holy Scripture remains so fresh and attractive, not the least is its immense variety. All human character is to be found there; every style, from the pastoral to the tragic; a wisdom which ranges from the homely to the sublime; and an inexhaustible gamut of feeling, attuned to our nature in all its moods. To expect this quality of infinitude, in a work professedly not inspired, but that of a single man, however deep or versatile, would be too much; not even in Shakspeare, rich though he be with the spoils of

a world of literature, do we fail to come upon the limits where his insight or experience no longer teaches us. Yet literature has this advantage over system that it may content itself with fragmentary glimpses, sudden openings in the cloud, and thoughts that pass like lightning, disdainful of antecedent or consequent; with intuitions, presentiments, guesses, forebodings. The Bible is, certainly, a kind of literature: but how little system we can trace in it? how much philosophy teaching by example? and how seldom is the example resolved into its philosophy? To use an illustration that I think is founded on fact, the language of Holy Writ is solid, and has three dimensions: that of system is commonly superficial, and has only length and breadth. Or, it is like the relation of Mercator's projection to the globe; the flat surface does not in reality exist, but has been thus shown for the purpose of the navigator, who finds his maps invaluable, though founded on an abstract view which, on the face of it, is a convention.

Let us count it a gain when Mercator, by signs known to the careful student, indicates that he is dealing, not merely with the surface he exhibits, but with a solid sphere. On turning to St. Thomas Aquinas, and especially when we turn *back* to him from modern systems, we become aware that he is far from being an algebraic genius, if the expression may be permitted. His treatment of theology is not only large, it is encyclopedic, combining a great variety of views, and sending its disciple onward to masters who cannot, without violence, be reduced to a mere formal identity. The characteristic of St. Thomas is a certain moderation, a judicial temper, and, on the whole, a deference to thinkers more original than himself. He sums up like a judge; he does not plead as an advocate. Though so consummate an Aristotelian, there runs through his speculations a Platonic strain. He never loses sight of the fathers; and if, among them, he prefers the subtle theories of an Augustine, yet no name lingers in the memory of the student, as being dear and familiar to the Angelic, more than that of the so-called Areopagite, whose mysticism will be a match for the most daring intellect. Thus,

even at the expense of visible consistency, life enters into the chief "Summa" of scholasticism. It makes provision for the advent of a teacher like Dionysius. For the scholastic, who sees in the light, cannot express the whole of that divine truth which the mystic sees in shadow. Both, however, acknowledge the mystery, and bow down before it. To each, Revelation is not only a condescension to human words, but an economy in human thought. Our reasonings begin and end in the Reality which the contemplative apprehends, which the metaphysician strives to express by means of a system confessedly unequal to its fulness, and which the simple Christian knows by faith and charity. When St. Thomas declares that our intellect has but a knowledge analogical of God and divine things, he implies what St. John Damascene has boldly said: "Whatsoever thou knowest, that is not God." And the mystic who has exhausted articulate thought in meditating on the First and only Fair, is ever falling into a silence more eloquent than speech. His spirit contemplates a luminous "Beyond," in comparison with which the grandest philosophies written are clouds and darkness.

Thus we arrive at a momentous conclusion. Analytic philosophy, so it has been said, hangs loose at both ends; but when we determine the place, and look well into the function which St. Thomas would claim for his system, it is manifest that he never did propose to set it forth as whole and complete in itself, *totus, teres, atque rotundus*, as a construction of pure thought, suspended in its own ether. I am not now speaking of the first principles, or self-evident facts, which enter into the composition of metaphysics, strictly so-called; my subject is dogmatic theology, so far as it represents the effort of intellect to build up a system on revealed data; and I say that, whereas the mind, thus going restlessly forward, is tempted to lose sight of the point from which it has started, so as at length to take its long-drawn deductions for unanswerable, and to imagine that some meagre abstraction can hold the fulness of such mysterious realities as are disclosed in Scripture, St. Thomas will prove that the vitality, no less than the soundness, of a

scholastic treatment depends on its keeping within the limits marked out by its nature. It must be rooted in the Catholic tradition, and should issue in devout contemplation. Its true place lies between concrete and concrete; its function is to help towards the due appropriation of truth revealed in the prophets, and culminating in that most affecting of mysteries, "God manifest in the flesh," so that the individual may receive of it not only with the heart, but with the intellect. It never can usurp the seat of tradition, except it will degenerate into Rationalism; nor may it quench the light of interior contemplation, lest it become a deadly Formalism. Such are the bounds within which philosophy, nourished on dogma, will live and thrive. To divorce it from piety would be as fatal as to set it loose from authority, or to substitute its reasonings for the direct study of the Bible. And it has been the inestimable privilege of the mystic saints—often unversed in literature, nor acquainted with the Schools—to show by experience how profound an insight into the divine secrets was possible, when the Master Himself undertook their training. "Cathedram in coelis habet," observes St. Augustine, "qui corda docet."

This admixture of a personal ingredient, or bias, or predisposition, in abstract science, might well be deemed an impertinence, and the fertile source of paralogism. But theology is not an abstract, though it be a speculative science; it has more affinity with literature (as I have already hinted) than with mathematics; and who can read the *Summa* diligently without remarking in himself an emotional pleasure, which is the proper accompaniment of some great and noble work of art? Doubtless, we enjoy the clear intellectual presentation of themes so high and heavenly; but the mind which shows them is itself suffused with a spiritual glow. These are the sphere-harmonies and swelling choral music of a faith which is by no means abstract, which lovingly worships the *Deus Unus et Trinus* of whom it has to predicate such glorious attributes, and which passes from the cell where it meditates on the Real Presence to the altar at which it offers up that very Sacrament and Sacrifice to whose ineffable virtue it

testifies equally in either place. We not only may, but must, regard the *Summa Theologiae* as a poem in prose, to be set beside Dante's undying verse, not inferior, but only different, as sculpture from painting. Or it is the white light, spread over a calm landscape, which the Florentine has broken into prismatic hues, here deepening into thunderous purple, and there rising up in wave after wave of ethereal transparency, trembling yet as with the vehemence of the fire mingled in that glassy sea which St. John beheld in his Apocalypse. The musings of such a mind, though severely modulated, will always be akin to poetry; we feel that to answer them with counter-reasonings, and sharp retorts, and the cut and thrust of mere word-fencing, would be to do them grievous wrong and to miss their significance. The Angel of the Schools has winged arguments, such as befit his name, and he must inspire us with some of his tranquil enthusiasm, if we are to view the prospect which lay before him.

Not, therefore, by way of opposing rival to rival, or of calling in question the rare and exquisite fitness of this meditative genius for the office of universal teacher, but lest we fail to measure his greatness as well as his meaning, is it desirable to keep in view the masters of mediæval schools, such as Richard of St. Victor, Alexander Hales, Scotus, and St. Bonaventure, whom he may be said, in some degree, to have thrown into the shade. Do we not recognise the majesty and the music of Homer, though keenly sensible of the pathos which gives to Virgil's enchanted lines their most piercing, melancholy sweetness? For we must not think that in theological meditation we are dealing with formulas to be handled indifferently by the unbelieving and the worldly-minded, as if the subtlest of them were nothing more than compound ratios in the Fifth Book of Euclid. It is not so; the articles of our faith, which a mind like the Angelic weaves into his magic web, become, if I may venture on the phrase, tapestries through which runs the style of the artist who has composed them from his own point of sight, or mosaics in which, by his selective genius, all manner of precious stones combine, to yield us the colours of the sky as it spreads about him.

No figures, indeed, can be too refined or individual, no characteristics too deeply personal, in which to describe the living, as contrasted with a dead ineffective system, when some mighty spirit would reflect upon us from the surface of his own thought those realities which are infinite, yet in the highest degree simple, subsisting, and self-conscious. Were the objects of our belief mere axioms, could definitions ever equal the incommunicable, or science exhaust "the abysmal depths of personality," then, perhaps, a human intellect might at last be found to establish, and some few to comprehend, the abstract equivalents of that which had thus been resolved into its current value. But if our psychology halts at so great a distance behind any poor human creature, taken at random; if the adept even in psycho-physics must throw down his measuring instruments in despair when a forsaken child bids him analyze its dim and tremulous feelings, what language can give an adequate sense of the nebular distance at which our systems, however daring, lie separated from the Divine Mysteries? The outlines remain distinct, nor do they change as the ages pass; not because reason has fixed its gaze steadily upon that fountain of fire which we know to be the Triune God, but because the shadow cast on the inspired page (it is all we can bear to look at) has been traced by a Hand Divine. But, if these things be granted—and they are first principles in theology—the consequence cannot be denied. This economical, or, as St. Paul would say, this enigmatic, view must be helped out on every side; no suggestion, made in the simplicity of belief, but may strengthen these broken lights, by means of which, *in ictu trepidantis oculi*—to quote the true and beautiful expression of St. Augustine—we do, for one brief moment, catch a glimpse of the meaning whose infinitude no man could take to himself and live. The only way to eke out "our incompleteness" surely is to pass round, under the guidance of wise teachers, from point to point in the landscape, and to enrich ourselves by borrowing from various treasure-houses the jewels in which we discern clear and fresh seals of the one eternal beauty.

St. Thomas would be the last to forbid such freedom.



His own example is enough. No man was ever so little disposed to put aside any noble or enlightening thought because it came to him by the path of Jews or Arabians, rather than direct from his master the Stagirite. That even which makes him proper to be a central text-book, on the broad margin of which we may write our commentaries, was this very largeness of quotation, this plenteous gathering from Scripture and the fathers, this eclectic spirit with its welcome for the learning of the three wise nations known to him—the Hebrews, Greeks, and Saracens. What is to hinder us from following up the many clues that he holds out, provided we do not let go the Ariadne-thread of his “*Summa*,” which will keep us safe while we pursue, as the poet truly calls them, “the labyrinthine paths of meditation”?<sup>1</sup> His modest account of what he undertook in this enterprise—so admirably planned that every part of it is complete in itself, yet squares with every other—warns us that he meant it for the beginning, not the end, of Catholic wisdom; “*ea quæ ad Christianam Religionem pertinent eo modo tradere, secundum quod congruit ad eruditionem incipientium*.” He has done much more than he promised, but he never can have meant that we should enter none of the splendid halls and temples of knowledge, the great outer door of which he opens with his golden key.

It will be found, however, when we compare the scholastics named above with St. Thomas, that, while he, in the main, follows close upon the steps of Aristotle, and appeals to the intellect as it connects point with point by chains of explicit reasoning, these, and especially Richard of St. Victor and St. Bonaventure, lay stress upon other elements, which, if we must give them a single name, may be called mystic or personal. Even Scotus, with his strong tendency to realism—we have seen it exaggerated since his time by Spinoza and Hegel into an all-devouring unity—introduces a mysterious principle not easily kept within the bounds of the calm dialectic process, but overflowing,

<sup>1</sup> Sophocles, *Œdipus Tyrannus*, 67. *seq.*

as life does, or as poetry, beyond the form, and lifting up premisses and conclusion together, in a synthesis, the last word of which is life, not logic. Or, to borrow a suggestion, as happy as it is profound, from Père de Régnon, if the system of Aristotle and St. Thomas may be defined as the *statics* of theology, Richard and Alexander Hales, who represent herein the Greek fathers, have endeavoured to give us its *dynamics*. In St. Thomas even the Divine Reality is considered in a state of rest; the metaphors chiefly employed are taken, in accordance with Aristotle's usage, from the mechanic arts. But, evidently, we may view the Supreme in His actions, as Providence in history, as revealing Himself in what He has done, and as flowing out by creative power into those beings who are, indeed, but the breath of His nostrils. Instead of mechanics, biology may furnish us with parallels, illustrations, and analogies, wherein to picture the inimitable. If St. Thomas, and the School after him, proceeds from substance to person, taking first the abstract, and then the concrete, we have yet a sound warrant in St. Athanasius, St. Gregory Nazianzen, and St. John Damascene, for pursuing the converse method. We may set out from that "sovereign reality," which is the self-subsisting—the *principium quod*, in scholastic language, and so penetrate to the substance contained in it.

For life does come first, not substance in the abstract; and our science will be legitimate while it follows the order of life. All philosophy proves that I know myself in the concrete before I go on to resolve this living whole into its component parts. The Supreme Reality, as St. Thomas points out, is an hypostasis to which the substance belongs, and in which it is realized. Why then, argues Père de Régnon, should we not, in obedience to Damascene, take personality as a thing self-evident, given before any process of abstraction, and a sure foundation on which to build, rather than painfully deduce it from the idea of "substance," to which, by explicit logic, it never can be brought down? In other words, the line of reasoning which starts from substance, while true and scientific, is also notional, abstract, and centrifugal, as regards the living reality,

tending, as it runs on, to end in the vacuum of contradictory formulas. Therefore we shall be doing well, if we correct that tendency by the centripetal movement which is always bringing us back, through the idea of personality, to the actual—the revealed object—from which we began our course.

It was a fine saying of Goethe's, that no thoughts of man, divided into reality, will give us a quotient without remainder. But when we have exhausted thought as such, and especially thought which can be summarized, distilled into weighed vessels, and made an article of commerce, the spiritual instincts are left, love comes to the rescue, and another range of analogy opens. The transcendental note which we call "Verum" is then new bathed in the energy of that which we call "Bonum," and which is the secret spring of dynamics. For, as Dionysius proves, the Divine Life is not simply "Being," which abides in itself, but "Good" flowing out in an endless stream; and this is Love, "*Qui prior dilexit nos*," the infinite generosity of the Father whose name is "the Beginning." From such an energy comes the universe, thanks to a series of divine acts which, in their measure, reveal the Most High, while they bind His creatures again to Him. That is the deepest, truest meaning of the word "Religion." It is not a system, but a personal experience, on both sides of which stands the Holy Spirit, as giver and gift, as Himself the source of Revelation and at the same time enabling us to receive it, as inspiring the prayers to which He listens, and first breathing into the soul those thoughts and aspirations that rise up and pierce the heavens. Personal experience, history, Scripture, the Word of God, and the words of man, may thus be brought into the same order, as acts answering to acts, and a Spirit leading on His creatures, one by one, by means of their most individual and distinctive qualities, to the perfection they were meant to attain. For systems are, of necessity, notional; but persons are real. The Almighty does not create abstract men; as He is individual, so are they; and if Trinity be the crown of Deity, it follows that to be himself, according to the Divine Exemplar, as it is each man's prerogative, so it should be

each man's ambition. "Sequere Deum" is the principle which sums up the spiritual life.

All this may be found in St. Thomas, it will be said. Doubtless, but there is a great difference between admitting truths, however categorically, and making them the guiding principles on which we erect our system. No saint denies the maxims that any other saint puts in practice. Shall we say, then, that we can substitute the works and ways of St. John Chrysostom for those of St. Augustine, or that St. Francis of Assisi and St. Dominic are mere replicas the one of the other? On a similar line of argument, Père de Régnon, who has made a deep and impartial study of schools and fathers, would maintain that much good will accrue from varying the process which St. Thomas employs, and that, if we are to become masters in theology, we must attack its problems from as many sides as possible.

Not only so, but the true philosopher will, like the experimentalist, make allowance for his "personal equation," even while relying upon it for his best results. He will bear in mind that his own system must be inadequate; and, if he follows Père de Régnon's wise counsel, from time to time he will quit his accustomed formulas, and throw himself heartily into those, which by instinct, he would put from him. Of course, we are now speaking of that "methodic doubt," which Descartes has carried to excess, but which is implied in all scholastic argument, when we endeavour to rehearse, as faithfully as we can, the objections which we propose to answer. Thus, since it is a matter of history that the Latin systems, of which St. Augustine was the source, tend to subordinate the conception of personality to that of substance—since they are more akin to the ratiocinative understanding, than to the intuitive reason—we can hardly fail to extend our view, and to pour fresh vigour into our meditations, if we go on to the Greek fathers, and to those mediæval students who are in sympathy with them; if in this way we bring home to ourselves the truth that personality is sovereign, and is first. Is it no mere resultant, no negative term, and still less, a congeries of "accidents," such as, in

modern systems of unbelief, it is represented to be? Are we certain that the individual, self-contained, and self-possessed, alone corresponds to the divine idea? Is it always the case that systems fail to give us the equivalents of subsisting reality, and that life is one of the first things which leave them? Then let us beware of setting up an abstraction instead of the living man—ay, and of the Living God. If, somewhere in the largest system, ideas stop short and are recalcitrant; if difficulties increase at every step; if we seem to be upon an inclined plane, over the end of which heresiarchs are flinging themselves into the depths below, all this should admonish us not to insist on the adequacy of a view which its author never would have dreamt of calling adequate. Our security is in the Revelation which discloses to us a real order of facts; and to those facts we must be incessantly recurring. But shall we not thus be always finding ourselves in the presence of the Divine Persons, as Scripture makes them known to us, in a history which is more than a philosophy? And will abstractions then claim the first place? That is the point which we have to consider.

As Père de Régnon surveys the controversies of our time, it seems to him that the Greek fathers have yet a work to do, and, consequently, that the Western mystics who, in a very unmistakable fashion, reproduce their way of thinking, cannot be dismissed as out of date, or as contributing no intellectual aids to theology. There are manifest advantages attending the great Latin system, and we need not, as indeed we ought not, surrender them. The scholastics who descend from St. Augustine and St. Anselm, and whose master-mind is St. Thomas, have proceeded by a philosophy of "notions" to lay down a somewhat abstract "Natural Religion," as demonstrable by reason and pre-scinding from history as from Revelation. Is their argument valid? Certainly it is. Again, in loyal sequence to St. Augustine, they have, not indeed proved, but accommodated to our human modes of apprehension, the mystery of the Trinity, by assimilating the generation of the Eternal Son to the immanent action of the intellect, and the

procession of the Holy Spirit to that of the will—"nature" has furnished, so far as it could, the light in which we confess the Three Divine Persons. Will anyone dare to blot out this brilliant page of reasoning, in which scholastic theology has attained its triumph? Père de Rénnon is not the man to suggest it. All honour to those who have thus ennobled reason, and led us up to the mount in which, amid lightning and cloud, the Keeper of Israel makes Himself manifest! But, even in this great splendour, if not because of it, let us be mindful of our condition. A theology of notions has its difficulties; and all our thinking upon the wonders of the human spirit will leave us on our knees before the Primal Mystery. Moreover, the time seems to have arrived when that series of abstractions which, to so large an extent, absorbs our thoughts and dictates the character of our preaching, has been brought face to face with a system of unbelief, and must sustain the shock of continually strengthening ideas, in the presence of which its difficulties increase rather than diminish.

It is a large subject, on which I must not spend many words; but I will endeavour to explain my meaning. To me, indeed, there is some gratification in finding that a deeply learned and cautious theologian, extremely well versed in the schoolmen no less than the fathers, is now putting forward ideas which, in the pages of another periodical, it was my duty to expound some years ago.<sup>1</sup> The question is, how best to defend and propagate the Christian religion, during an era which, from whatever point we consider it, is overshadowed by the one immense and mighty thought of Evolution; in other words, by an idea the very converse of the statics on whose calm and stable principles our speculative theology has been wrought out. A second name for Evolution is "Monism," indicating, though with unwarrantable excess, the vital unity into which all its parts are supposed to combine. Now, I hold that the only successful defence is to attack; and that if we wish to preach a doctrine in the face of its rivals, we must

<sup>1</sup> See the *Catholic World*, 1889, "A Study of Modern Religion." Three Essays.

make the good in them our own, as Aaon's rod, when it became a serpent, swallowed up the serpents of the Egyptian soothsayers. But, need we go to Darwinism for a history and a development of life, when the Scriptures unfold before us a spiritual drama, the scenes of which are as real as the individuals who appear in them are characteristic and impressive? Can we not, from the Bible, if we know it as we ought, draw forth creative principles, embodied in sacred events, and leading on to institutions that literally fulfil the word spoken twenty-five centuries ago, while they look forward, through other centuries, we know not how many, to the consummation of all things? And is not *this* Evolution the work of Divine Agents, revealing their nature, as well as their purpose, not in empty formal notions, but in acts overflowing with life? It is a wonderful, a most persuasive argument, addressed to the whole man, to head and heart, feeling and imagination, such as alone is likely to work in him the miracle of a living faith, and to raise him up, as in the Prophet's vision, upon his feet, with the breath of the Spirit in his nostrils. For if, when the broken strata of geology lie exposed to view, we perceive that they belong to worlds which, in their day, were actual as our own, so in like manner, the Scripture and the Church, presented as facts in a development spanning the whole human record, will bear in upon minds not violently hostile and prejudiced, a sense that "God was in Christ, reconciling the world to Himself;" and that Christ is in His Church, as in a great Sacrament, visible even at this day to all who choose to open their eyes, and see what is before them.

Again, I have mentioned, not without design, the name of Spinoza. To most Catholics, I presume, he is but a name; neither do the thousands who have more or less fallen in with his view of things, trouble themselves much about the mathematics in which he has rendered it. No, but they hold, as Spinoza held, that the substance of the universe is one, and that it is not personal, but impersonal—an infinite unconscious Reality, which they call Nature, the womb and grave of all possible phenomena, themselves included. These men have emptied the world of personality, for to

them Nature has none, and their own is a delusion—the mirage created by states of consciousness. How, now, shall we cure this growing evil, which, on the one hand, breaks out as impulse without law, and on the other sinks down into irresponsible weakness?

The heart of disbelief in our day is disbelief in character; scepticism as regards free-will; caprice founded on moral impotence. In one word, it is the denial, explicit or implicit, of personality under all its forms. But to pluck out the heart of a popular creed, we must go beyond verbal arguments; nothing but experience forced on the unwilling has in it a virtue to expel this demon. Do we begin with abstract discussions of nature, first principles, metaphysical prerequisites, all excellent in their place? But the question returns: What is that place? I say that to begin thus means argument wasted and conversion indefinitely deferred. Let us strike home, and go to the root of the matter. Personality is denied; then let us preach personality from the Bible, from history, from experience; nay, even from the chaotic and delirious world which ensues wherever it is cast out or resolved into sensuous elements.

So preaching it, we shall find ourselves recurring to the ways of the Greek fathers, who lived amid populations not unlike our own, and who in spreading the faith abroad must surely have been following apostolic methods. They appealed to God in the world; to the word of God dwelling, by a divine condescension, among the heathen themselves, in all purified souls everywhere, and in the very literature of idolatrous peoples. They made much of the spirit whose influences penetrate the phenomena of Nature, and who was to them the soul of history. By way of the Son and the Holy Ghost, they go up to the Father, and learn of His will and His works. And, from that lofty outlook, they chant the Creed, which is no intricate set of philosophical axioms, but the simple enunciation of facts which fill eternity and rule over time. The Divine Goodness, again Dionysius reminds us, is by nature *ecstatic*; it is a pouring out of life; a message that comes into our hearts; a gift, not a conclusion; God revealing Himself, not man toiling painfully



after his own thoughts, and in a lonely universe striving to raise an echo as he calls aloud on the silence. But, the very fact that he receives and does not give; that grace, inspiration, pardon, and strength descend upon him where he lies helpless, will teach him, far better than reasoning, that he is a mere creature, infinitely below the Living and Loving One who has had regard to him. The madness of Pantheism cannot survive a true religious experience; but, apart from this, whoever strongly realizes that he is himself a person, and that the Supreme is likewise in His very essence an infinite yet individual consciousness, will feel his own distance from that unspeakable majesty, and no longer dream that in the vague life which some moderns attribute to all things, there can be more than a flickering shadow of the Most High.

Coleridge has said, excellently well, that, of all books, "the Bible alone contains a science of realities; and, therefore, each of its elements is at the same time a living germ, in which the present involves the future, and in the finite the infinite exists potentially." It is the Book of Religion, not as a system, but as a Revelation. The truth which it conveys is from spirit to spirit, not merely from phenomena to understanding. It offers to us at once the credentials of Christianity as an historical fact, and the substance of its message. While we receive it as an inspired whole on the authority of the Church, its various portions have always appealed, as by an innate or sacramental grace, to the hearts which they have awakened, rebuked, comforted, lifted up to the world unseen. Inasmuch as it sets before us the life of Christ, in prophecy, parable, reality, and anticipation, it must needs excel in height and depth all possible commentaries, though written by saints and doctors—and the power of *their* thought, the charm which breathes from their pious musings, the unction their words distil, take us always back to the source from whence they drew their inspiration.

Yet, if ever it was true, now it is truer than ever, that "the energies of the intellect, increase of insight, and enlarging views are necessary to keep alive the substantial faith in the heart." Our first step must be to recognise

that in religion we have dealings, not merely with a Divine Nature, like that which Spinoza defined as unfolding itself into the universe, but with the Father who is for ever distinct from the universe. Then we shall begin to perceive how great and evil a change has been wrought in modern times, by the widespread supposition that symbols of personality are all one with abstract notions; whereas, in revelation, as in fact, they furnish a living language, which becomes the seed and spirit of action. Thus enlightened, we shall look upon things visible, in their whole course of development, as hieroglyphics which wait for an interpretation. In the Scriptures we shall read the secret of them as intelligible writing; in tradition it will resound as a chant of faith and hope; in the lucid teaching of St. Thomas and his peers it will have become a philosophy, never indeed complete, though suggesting deeper thoughts of God and man as it takes up into itself fresh knowledge, the new experiences of history, and the prophecies, or divine judgments, which the centuries fulfil. But, always, on the altar steps of that holy place, let us see the mystic, whose silence strikes a more sublime chord than even angelic speech, and whose rapt ecstasy is ever teaching us that while scholasticism moves along the ground, and thence surveys the heavens which it has not ascended, there are wings of love and prayer that lift the spirit into a divine ether—to some Paradise of God where our finest human knowledge must seem little else than ignorance.

If we hold these things in our memory, we shall not turn scholastic argument to uses for which it was not designed, or incur the charge that it is an arrogant *Aufklärung*, pretending to measure the immeasurable, and to imprison the infinite. We shall put from us all questions (and they are many) which tend to satisfy curious leisure, but do not edify; we shall learn that, in philosophy, *Ama nescire* is often the truest wisdom; and the sad issues of so much wrangling over that which was God's secret, will have taught us to be sober. At all times, and even in St. Thomas, we shall be most scrupulous not to confound with revealed realities the reasoning by which men would explain them.

It will be a first principle with us that experience goes beyond analysis; that the abstract is no more than one facet of the diamond sphere, whose light in its fulness we cannot behold; and that if the creative source of theology is faith, its safeguard must ever be love. Thus, perhaps, we may come to be at once more orthodox and more tolerant; we shall pierce through the language of others to their devout intention; and, with the growth of personal freedom, and of fearless because loyal thinking, we shall be securing to the great scholastic tradition a renewal of life, yet ourselves be falling under no tyrannous or mechanical routine.

WILLIAM BARRY.

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## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### V.—ON BEQUESTS FOR MASSES (*continued*)

THE point incidentally raised by the Chief Baron in his judgment in *Attorney-General v. Delaney*,<sup>1</sup> has come before the Courts in several subsequent cases, sometimes as a point directly raised by the terms of a will, sometimes as a subject of comment in cases where points more or less similar to it were directly raised.

It will be instructive to consider these cases, one by one. In all of them, the decisions given were adverse to the recognition of bequests for Masses as charitable, in any of the various forms of bequest that came before the Courts. But—especially from the significant terms of the judgment of the present Master of the Rolls in the most recent of those cases, *Perry v. Tuomey*,<sup>2</sup>—it is plain that the point raised by the Chief Baron's suggestion has not yet been disposed of, and that the question whether a bequest for Masses, in the form contemplated by him, is not a legally

<sup>1</sup> See I. E. RECORD, April, 1895, pages 304, 307, 308.

<sup>2</sup> See pages 414-419.

charitable bequest, is, to say the least of it, a question still open for final decision.

This probably is a convenient place to remark that, underlying the course traversed by the line of recent decisions in this matter, there is a fact which, though it seems of sufficient importance to justify a reference to it in discussion as to the present state of the law, has somehow happened not to have been referred to in any of the cases that have been before the Courts in recent years.

But it may be more convenient to reserve all detailed reference to this point until we have considered the various cases that have been decided since *Attorney-General v. Delaney*, in 1876.

I. The first case in which the point suggested by the Chief Baron was referred to, subsequent to the decision in *Attorney-General v. Delaney*, was that of *Beresford v. Jervis*.<sup>1</sup>

In this case, which came before the Master of the Rolls (Sir E. Sullivan) in January, 1877, there was a bequest for Masses, in perpetuity, with a direction from the testatrix that the Masses were to be said "in the Roman Catholic chapel at Wexford." Sir Edward Sullivan held that the bequest was not charitable. He regarded the case as governed by the decision in *Attorney-General v. Delaney*. In the course of his judgment, he said :—

"The only distinction that can be drawn between this will and that which the Court of Exchequer had before it [in *Attorney-General v. Delaney*] is that she directs here that the Masses shall be said 'in the Roman Catholic chapel of Wexford.' In my opinion that is no substantial distinction.

"I have said before, again and again, that when I find a rule of law once established—and now-a-days it is difficult to get it established,—it will not be my duty or office to destroy it by nice distinctions, but to support it on broad and wide lines."

Then, after quoting in terms of high commendation

<sup>1</sup> 11 Ir. L. T. R. 128.

some passages from the judgment in *Attorney-General v. Delaney*, he continued :—

“ Acting on that judgment, it will be my decision that there is no distinction deducible from the fact that she [the testatrix] directed the celebration of the Mass to take place in the Roman Catholic Chapel of Wexford.”

In reference to this judgment, it is essential to observe that what Sir E. Sullivan relied upon in holding that the bequests in the case were not legally distinguishable from those in *Attorney-General v. Delaney*, was that, in the case before him, the only direction in the will was that the Masses were to be said “ in the Roman Catholic Chapel of Wexford,” there being no direction that they should be said “ in public.” As to the effect which a direction that the Masses should be said “ in public” might have in making a bequest charitable, he expressly guarded himself against being understood to express an opinion one way or the other. Upon this point he said :—

“ There is no distinction deducible from the fact that she directed the celebration of the Mass to take place in the Roman Catholic Chapel of Wexford.

“ I hold myself free to determine, if the question arises, whether, if a testatrix directs Masses to be said for individual souls, and directs them to be said *in public*, that, as a charitable gift, stands or falls. That question will be decided when the point is properly raised.

“ I am not to be taken as giving any colour to the distinction in my observations. That is not the case before me.”

Now it is somewhat curious to observe that, as a matter of fact, several of the bequests in this case—in the only rational construction that could by any possibility be put upon the will as the will of a Catholic testator—distinctly directed that the Masses should be said in public. The will contained a number of bequests for Masses, and they were not all in the same form. The bequests to which I refer as directing that the Masses should be said in public, were the following :—

“ All the Masses I herein mention, I direct may always be said in the Roman Catholic Chapel of Wexford. . . :

“ It is my will that, on the first day of every year, the Masses

*of the day* shall be said for the happy repose of the souls of my beloved parents . . . It is my will that, on the 14th day of every January, *the Masses of the day* shall be said for the souls of my dearest parents, and of me their child. . . . It is my will that, on the 17th day of every January, *the Masses of the day* may be said for the souls of my dear parents, and of me their daughter."

And so on, through a number of bequests, each of which expressly directed that the Masses to be said in fulfilment of the bequest were "the Masses of the day,"—that is to say, all those Masses which, on the days specified, were to be said in the Parish Church of Wexford, as *the public congregational services* of the day named in each bequest.

This being not only the plain meaning, but the only possible meaning, of the expression, "the Masses of the day," it may seem somewhat surprising that the attention of Sir E. Sullivan should not have been directed to the point, especially as his judgment treated the case as settled by the supposed fact that there was no direction in the will that the Masses were to be said in public. The only conjecture I can offer as possibly accounting for an omission that otherwise might well seem unaccountable is one that is suggested by the report of the case, as given in the *Irish Law Times*.<sup>1</sup> So far as I can see, there was no Catholic amongst the counsel engaged in the case. Thus, indeed, the point to which I have directed attention might easily be overlooked at the bar, as it clearly was upon this bench. Even by a well-informed Protestant, the expression "the Masses of the day" might not unnaturally be taken to indicate merely some liturgical direction as to the particular Masses that were to be said, a direction that could be fully complied with even if the Masses were said in private.

But, however this may be, the result of the judgment of Sir Edward Sullivan, in this case, *Beresford v. Jervis*, is (1) that he held that a bequest for Masses for the repose of souls, with a direction merely that the Masses are to be said *in a specified public church in Ireland*, is not thereby rendered legally charitable, and<sup>2</sup> (2) that,

<sup>1</sup> 11 Ir. L. T. R., 128.

<sup>2</sup> 11 Ir. L. T. R., 130.

as to the further question, whether a bequest for Masses for the repose of souls, with a direction in the will that the Masses were to be said *in public*, would or would not be charitable, he abstained from expressing any opinion.

II. The next case in which a bequest for Masses came into Court in a form which might have led to the raising of the question whether the bequest was or was not charitable, was the case of *M'Court v. Burnett*.<sup>1</sup> This case came on almost immediately after *Beresford v. Jervis*, in February, 1877. Like *Beresford v. Jervis*, it was decided by Sir Edward Sullivan, as Master of the Rolls.

The bequest in this case was clearly a perpetuity.<sup>2</sup> The sum bequeathed was to be invested in Government Stock, which was then to be transferred to "the Administrator of the Roman Catholic Cathedral Church in Marlborough-street, in the city of Dublin," and to other persons named. The bequest then went on as follows:—

"And it is my will, and I hereby direct, that the dividends thenceforth to accrue on such stock should be applied in having three Masses offered up *in the said Cathedral Church on each Sunday in the year . . . one for the soul of my brother . . . and one for the repose of the soul of my wife . . . and one for the repose of my own soul.*"

Various ingenious interpretations were suggested by counsel in a somewhat desperate effort to make out that the bequest was not a perpetuity, and should consequently stand whether it was charitable or not. It does not appear from the report of the judgment whether any attempt was made to show that the bequest was charitable. In the face of the decision that had so recently been given by the same judge, in *Beresford v. Jervis*,<sup>3</sup> no argument upon that point could have been put forward with any hope of success. At all events, there is no reference to any such argument in the judgment. The judgment dealt only with the question of

<sup>1</sup> 11 Ir. L. T. R., 130.

<sup>2</sup> See I. E. RECORD, February, 1895, pages 109-111.

<sup>3</sup> See *ante*, pages 408-411.

perpetuity. Upon this point, Sir E. Sullivan regarded the case as in no way open to doubt. He said :—

“ If this is not a perpetuity, I do not know what is.

“ It being a perpetuity, the question is, Is it the subject of a charity? The *Attorney-General v. Delaney*, and *Dillon v. Reilly*, decide that it is not; and I followed *Attorney-General v. Delaney* in the case of *Beresford v. Jervis*.

“ For these reasons, I declare this bequest to be void.”

III. In the July of the same year, a case, *Boyle v. Boyle*,<sup>1</sup> in which there was a bequest for Masses, came before the Vice-Chancellor (Chatterton). In this case, however, there was no reference to any special point about the celebration of the Masses in public, or in a public church. The words of the bequest were simply, “ Masses for the eternal repose of my soul.” Plainly there was nothing to distinguish this bequest from that which the Court of Exchequer had held not to be charitable in *Attorney-General v. Delaney*.<sup>2</sup>

In *Boyle v. Boyle*, no question indeed was raised as to this. It seems to have been accepted on all hands that the bequest was not charitable. The case was brought into Court on other grounds, and it illustrates more than one point of practical importance, which will claim consideration in a subsequent paper.

IV. The next case in which a question as to the charitable character of a bequest for Masses came into Court subsequently to the decision in *Attorney-General v. Delaney*, was the case of *Kehoe v. Wilson*,<sup>3</sup> which was argued before the Vice-Chancellor (Chatterton) in July, 1880, and was decided by him in the following November.

The bequest in this case was :—

“ To the Rev. James Hanrahan, or the guardian for the time being of the Third Order of Franciscans, Merchant's Quay, Dublin, the sum of £100, to be by him invested in such

<sup>1</sup> 1. R. 11., Eq. 432.

<sup>2</sup> See I. E. RECORD, April, 1895, pages 304-307.

<sup>3</sup> 7 L. R. Ir. 10.



manner . . . as he should think fit, and the dividends or interest . . . to be applied in having Masses said for the benefit of Members of said Third Order, of which testatrix was a member, such Masses to be celebrated in Ireland in a church open for public worship at the time of such celebration."

The Vice-Chancellor held the bequest to be not charitable, and, therefore, to be invalid, as it was clearly in the nature of a perpetuity.<sup>1</sup>

In other words, he did not recognise that the insertion of the words, "such Masses to be celebrated in Ireland in a church open for public worship at the time of such celebration," made any difference in the case. He did not in any way discuss the suggestion made by the Chief Baron. Without even referring to that suggestion, he simply said:—

"In my opinion the gift is bad, as being a perpetual dedication of this legacy to a purpose not charitable. It will therefore be declared that the bequest to the Rev. James Hanrahan fails, on the ground of perpetuity."

V. Next came the case *Reichenbach v. Quin*,<sup>2</sup> which was decided by the Vice-Chancellor in February, 1888.

In this case the bequest was:—

"I direct my trustees to apply £100 towards having Masses offered, up in public, in Ireland, for the repose of my soul and the souls of my father, mother, brother, and sisters, and of my servant, Anne."

In this case also the validity of this bequest was questioned. Against the validity it was argued that the bequest was a perpetuity, that is, that it was to be taken as meaning that the £100 was to be invested, and the interest of it applied each year to have Masses said. If this was the true construction of the will, and if the bequest was not legally charitable,—as counsel contended it was not,—the bequest should, of course, be held invalid.<sup>3</sup>

As to whether the bequest was charitable or not, the Vice-Chancellor gave no decision. There was, he held, no

<sup>1</sup> See I. F. RECORD, February, 1885, pages 109-111.

<sup>2</sup> 21 L. R. Ir. 188.

<sup>3</sup> See I. F. RECORD, February, 1895, pages 109-111.

perpetuity in the case. Thus the question whether the bequest was or was not charitable, did not arise. The Vice-Chancellor said:—

“I do not consider that there is any attempt here to create a perpetuity, and on that ground,—and I wish it to be understood that on that point only I give a decision,—I shall declare that the gift is valid.”

This case was decided, then, on the ground that the bequest was not in the nature of a perpetuity. This being so, the validity of the bequest did not depend upon its being charitable. Thus, in this case, no formal decision was given upon the point whether a bequest for Masses, to be “offered up in public in Ireland” was or was not charitable. But the point was fully covered by the decision previously given by the same judge, in *Kehoe v. Wilson*, where, as we have seen, he held that a bequest for Masses “to be celebrated in Ireland in a church open for public worship at the time of such celebration,” was not charitable.<sup>1</sup>

VI. The case next in order, is the last, and in certain respects by far the most important, of the series. This is the case of *Perry v. Tuomey*,<sup>2</sup> in which judgment was given by the present Master of the Rolls, in July, 1888.

The words of the will were:—

“I bequeath to the Rev. Mr. Hickey, Superior of St. Mary’s Church, in the City of Cork, the sum of £100 for 100 Masses for the repose of my soul, and I direct that the said Masses be said *in a public church, in Ireland, which church shall be open to the public during the celebration of each and every of said Masses, and at which everyone who shall so desire shall be allowed to be present.*”

The case came into Court on a claim by the Inland Revenue authorities for legacy duty. They claimed that the bequest did not come within the exemption from legacy duty of bequests for charitable purposes in Ireland, a bequest for Masses,—even when made as in this will,—being, as they contended, not charitable.

The form of the bequest, though more elaborate than

<sup>1</sup> See *ante*, pages 412, 413.

<sup>2</sup> 21 L. R. I. 481.

that which had come before the Vice-Chancellor in *Kehoe v. Wilson*,<sup>1</sup> was not considered as differing from it, legally, in any respect of importance. The Master of the Rolls in his judgment expressly treated the two forms as identical for all the purposes of the case.

The judgment in this case is of singular interest.

The Master of the Rolls began by explaining, as had been explained by the Chief Baron in his judgment in *Attorney-General v. Delaney*,<sup>2</sup> that an intention, on the part of a testator, of securing some private or personal advantage from the Masses that were to be said, could not exclude the bequest from the sphere of legal charity, if the saying of the Masses, as directed in the will, was, in itself, a legally charitable purpose.

As to this, the Master of the Rolls said<sup>3</sup> :—

“What is the meaning of the word purpose? It cannot mean the motive in the mind of the donor, but must refer to the destination of the gift.

“If the object be itself charitable, the state of mind which influenced the testator to give the legacy is immaterial . . . There is no room for any question upon this subject. A testator's motive may have been quite other than that of sincere charity. It may have been simple ostentation, self-glorification, the desire to gain posthumous popularity, the wish to disappoint expectant relatives, the hope of benefit to his own immortal soul. *Motive is wholly unimportant*. The legislative exemption from duty is intended to benefit the charities, and not to encourage virtuous feelings or charitable inclinations.

“Therefore in each case the question must be, not in what frame of mind the testator penned the gift, or what benefit he may have expected would arise from it to himself or others, but *what is the gift in itself*, and is it impressed with a trust which is [in the legal sense] charitable.”

As the bequest in this case expressly directed that the Masses were to be said in a public church, in Ireland, the Master of the Rolls then continued—

“This brings us to consider the very question which was referred to by the Lord Chief Baron in *The Attorney-General*

<sup>1</sup> See *ante*, pages 412, 413.

<sup>2</sup> See the I. E. RECORD for April, 1895, pages 303, 304.

<sup>3</sup> 21 L. R. Ir. 484.

v. *Delaney*, viz., whether a legacy for the celebration of Masses for the repose of the soul of the testator, in public, in a place of worship in Ireland, is charitable."<sup>1</sup>

He then recited the principal points of an affidavit which had been put in by the Most Rev. Dr. O'Callaghan, Bishop of Cork, in explanation of the nature and objects of the Sacrifice of the Mass. This affidavit was almost identical in terms with the affidavit that had been lodged in the earlier case.<sup>2</sup> He then continued :—

"Now, had the bequest been for the public celebration of the Mass in a church in Ireland (without more), I conceive there cannot be much doubt that it would have been charitable.

"It would simply have been *a provision for the celebration of the most solemn and important portion of the public worship of the Roman Catholic Church* ;<sup>3</sup> and as there can now-a-days be no suggestion of illegality in that, nor any objection on the ground of superstitious use, and as, since the Irish Church Act, all religious distinctions have been done away with, in the eye of the law, at least for any purpose which can be material to the present inquiry, the legacy would have been on the same footing as one for the endowment of public worship after the order of the Protestant Episcopal or Presbyterian Church.

"There can be no distinction arising from the nature of the Mass as a sacrifice by the priest. It is performed *in public* for *the spiritual benefit of all the congregation*."<sup>4</sup>

Then, after examining some cases, English and Irish, bearing more or less directly upon the points before him, the Master of the Rolls resumed his statement of the law as follows :—

"Does, then, the circumstance that the Masses are to be said for the special benefit of a particular person or persons render the celebration of them in public less an act of public worship, less for the benefit of the public, than they otherwise would have been ?

"In my opinion, *it does not, and cannot*, unless the use of a prayer for a sick person, or the offering of thanksgiving for particular persons, would have a similar effect on the public

<sup>1</sup> 21 L. R. Ir. 485.

<sup>2</sup> See I. E. RECORD, April, 1895, page 302

<sup>3</sup> *Ibid.*, pages 306, 307.

<sup>4</sup> 21 L. R. Ir. 486, 487.

services of the Church of England, which no one has ever dreamt of supposing.”<sup>1</sup>

He then went on to state in detail the effect of the decision in *Attorney-General v. Delaney*, pointing out that the bequest in that case was held to be not charitable, expressly on the ground that there was no direction that the Masses should be said in public.

Also, he quoted in full the remarks made by the Chief Baron on the hypothetical case of a bequest for Masses, to be said “in public, in a specified public church or chapel in Ireland,”<sup>2</sup> and the remarks subsequently made upon all this by Barons Fitzgerald and Dowse, and by the Chief Baron himself.<sup>3</sup> Then, he continued :—

“The case [*Attorney-General v. Delaney*], therefore, . . . is not a decision against the Revenue authorities in the present case, and it does not even contain an exposition of the concluded opinion of the Chief Baron on the point, though undoubtedly his actual opinion at the time is clearly enough expressed in the first passage I have quoted.”<sup>4</sup>

Taking the point before him as obviously left undecided by the judgment in *Attorney-General v. Delaney*, the Master of the Rolls proceeded next to examine the subsequent cases, *Beresford v. Jarvis*,<sup>5</sup> and *M'Court v. Burnett*.<sup>6</sup> As neither of these cases involved a decision that a bequest for Masses to be said “in public” was not charitable, they manifestly left the door still open for a favourable decision on the point.

Next came the case *Kehoe v. Wilson*, in which, undoubtedly, it had been held that a bequest for Masses “to be celebrated in Ireland, in a church open for public worship at the time of such celebration,” was not charitable.<sup>7</sup>

Between that case and the case before him, the Master of the Rolls did not seek to draw any narrow line of distinction.

<sup>1</sup> 21 I. R. Ir. 487, 488.

<sup>2</sup> See I. E. RECORD, April, 1895, page 304.

<sup>3</sup> *Ibid.*, pages 307, 308.

<sup>4</sup> 21 L. R. Ir. 489, 490.

<sup>5</sup> See *ante*, pages 408-411.

<sup>6</sup> See *ante*, pages 411, 412.

<sup>7</sup> See *ante*, pages 412, 413.

The bequest in the case before him was, he said, not legally distinguishable from the bequest in the case thus decided by the Vice-Chancellor. He regarded the bequest in *Kehoe v. Wilson* as fulfilling the conditions of the hypothetical case made by the Chief Baron, and, so regarding it, he added—

“The Vice-Chancellor was perfectly familiar with *The Attorney-General v. Delaney*, and knew the judgments in it thoroughly well, as indeed does every member of the profession in Ireland.

“I can only regard his decision in *Kehoe v. Wilson*,<sup>1</sup> as a deliberate and considered dissent from the view thrown out by the Chief Baron. The case was argued in July, and the judgment was not delivered till November.

“Now I confess that, but for *Kehoe v. Wilson*, I should have been of opinion that the view of the Chief Baron in *The Attorney-General v. Delaney* is the correct one, and I should have acted upon it in the present case.”<sup>2</sup>

Then the Master of the Rolls concluded his judgment as follows, declaring his inability, in the circumstances, to give effect to the view he had himself taken of the law of the case :—

“Entertaining, I need not say, sincere respect for the opinion of the Vice-Chancellor, and having before me the decision of a co-ordinate Court upon the very question, my duty is clear. It is that which is forcibly pointed out by Sir E. Sullivan in *Burke's Estate*.<sup>3</sup>

“I must follow the decision in *Kehoe v. Wilson* . . . leaving it to the Court of Appeal, if the case should go there, to settle the question.”<sup>4</sup>

The point of legal procedure, by virtue of which the Master of the Rolls had to treat the case of *Perry v. Tuomey* as practically outside his competence to deal with in any way at variance with the decision that had previously been given by the Vice-Chancellor in the case of *Kehoe v. Wilson*, is known amongst lawyers as “the comity of Courts.” It consists in this, that when a point of law has been decided by any Court “of first instance,” and the decision has not

<sup>1</sup> See *ante*, pages 412, 413.

<sup>2</sup> 21 L. R. Ir. 492.

<sup>3</sup> 9 L. R. Ir. 39.

<sup>4</sup> 21 L. R. Ir. 492, 493.

been appealed against, and reversed in the Court of Appeal, the decision that has been given by the Court of first instance stands as binding upon all co-ordinate Courts, that is to say, upon all other Courts short of the Court of Appeal.

The cogent reasons by which this principle is sustained are stated with characteristic emphasis in the judgment referred to by the Master of the Rolls. It was a judgment delivered, in the case of *Burke's Estate*, by his predecessor, Sir Edward Sullivan, then sitting, as Master of the Rolls, in the Court of Appeal.<sup>1</sup>

So far, then, as matters have as yet progressed, the judgment of the Vice-Chancellor in *Kehoe v. Wilson*—quite adverse to the view thrown out by the Chief Baron as to the hypothetical case incidentally contemplated by him in his judgment in *Attorney-General v. Delaney*—is apparently regarded as a decision binding upon all Courts of first instance in Ireland.

It may seem strange that in the case of *Perry v. Tuomey*, an appeal was not taken from the decision of the Master of the Rolls, whose carefully-considered judgment so clearly pointed to this as a legally desirable course. But the amount in question was small. It was merely the legacy duty of 10 per cent upon two bequests, one of £100, the other of £50. A dispute about £15 was probably considered insufficient to justify the incurring of further costs. Yet, if this were the view taken, it is not easy to see why the case was allowed to go into Court at all.

In one of the opening paragraphs of this paper, I referred to a point which I there spoke of<sup>2</sup> as not having been brought under the notice of the Court in any of the cases recently dealt with, although it would seem to have an important bearing upon the question whether a bequest for Masses, in the form contemplated in the Chief Baron's hypothetical case, is to be considered legally charitable or not.

<sup>1</sup> 9 L. R. Ir. 39.

<sup>2</sup> See *ante*, page 408.

The point is one that is suggested by Lord Mannors' decision in the case of *The Commissioners of Charitable Donations and Bequests v. Walsh and others*, mentioned in my last paper.<sup>1</sup>

It was the decision in that case, as we have seen, that affirmed the validity of bequests for Masses in Ireland.<sup>2</sup> In a well-known work on the Law of Charities in Ireland, published some years ago,<sup>3</sup> this decision is referred to as follows :—

"In Ireland . . . it was held in the case of *The Commissioners of Charitable Donations and Bequests v. Walsh and others*, decided in the year 1823, that a bequest for Masses for the repose of the soul of a testator was not void or against the laws of this country as being for a superstitious use."

Then, in a footnote, the following statement is added :—

"The ground of the Lord Chancellor's (Lord Mannors') decree appears to have been that the legacies in the will were *charitable*. But see the case of *The Attorney-General v. Delancy* (I. R. 10 C. L. 154).

As to Lord Mannors' decision in the earlier case, there can indeed be no question. He undoubtedly upheld the bequests for Masses in that case not only as valid, but as charitable. Those bequests, in fact, were treated as charitable at every step in the protracted proceedings in the Chancery suit. The "report," drawn up by the Master, to whom the matter was committed for examination in the first instance, included those bequests in the enumeration of the bequests made by the testatrix "for charitable purposes." And the "final decree" of the Lord Chancellor, after adjudging "that the said report of the Master should stand absolutely confirmed," ordered that the executors should pay to the clergymen named in the will the amounts of the various bequests of the testatrix—including specifically a sum of £50, bequeathed for Masses for the repose of her soul—"to be applied by them to and for the charitable uses

<sup>1</sup> See I. E. RECORD, April, 1895, pages 298-300.

<sup>2</sup> *Ibid.*, page 300.

<sup>3</sup> See Hamilton, *The Law relating to Charities in Ireland*. Second Edition, page 73.



and purposes in the will of the said Judith Ruth, and in the Master's said report, mentioned."

In the work from which I have above quoted, the decision in *Attorney-General v. Delaney* is set in contrast with all this. Stating the law as it was judicially expounded in that case, the author says :—

"Although money given to offer up Masses 'for the repose of the soul' of a deceased person or persons is not illegal as a superstitious use, such a disposition of property will not by the Courts be deemed charitable . . . In [the case of *Attorney-General v. Delaney*], the whole law bearing on the subject was exhaustively considered in the judgment of the Court, and this case may be considered the *locus classicus* on this branch of the law."<sup>1</sup>

The contrast thus sharply drawn between the decision in the earlier case and that in the later one, plainly implies that Lord Manners' decision, in so far as it may have recognised bequests for Masses as charitable, can no longer be followed as an authority. The suggestion is that, to this extent, the earlier decision has been superseded by the carefully-considered and erudite judgment of the Chief Baron, in *Attorney-General v. Delaney*, which made it plain beyond question that bequests for Masses, as such, cannot be regarded as coming within the sphere of legal charity.

As to the contrast, however, thus drawn between the judgments in the earlier and in the later case, there are several points to be noted. Whether they may stand the test of legal criticism or not, I venture at least to submit them as worthy of some consideration.

First of all, it seems noteworthy that in the judgment in *Attorney-General v. Delaney* there is no suggestion of dissent in any respect from Lord Manners' decision in the earlier case. That decision was referred to in the arguments of Counsel,<sup>2</sup> and in the judgment itself.<sup>3</sup> In so far as it was referred to, it was accepted as of conclusive authority. But, curiously, it was referred to only as establishing that bequests for Masses in this country are valid. The point

<sup>1</sup> Hamilton, *The Law relating to Charities in Ireland*. Second Edition, page 73.

<sup>2</sup> I. R. 10 C. L. 113.

<sup>3</sup> *Ibid.*, 120.

that it furthermore affirmed that the bequests to which it referred were charitable, would seem to have escaped notice. At all events, that point in the earlier decision was not in any way discussed, or even taken into consideration. How, then, can the judgment in *Attorney-General v. Delaney* be represented as conveying a deliberate dissent from it?

But, some one may say, let it be granted that the Chief Baron did not formally or expressly deal with that portion of Lord Manners' decision which may have affirmed the legally charitable character of the bequests in question in the earlier case. Can it be denied that, for all this, he dealt with that portion of the earlier decision very effectually, and in fact deprived it of all authority as regards this particular point, by his lucid judicial exposition of the law so plainly demonstrating that a bequest for Masses, as such, cannot be held to be charitable?

This brings us to the fundamental question, Is there, in reality, any conflict between Lord Manners' decision in the earlier case, and that of the Court of Exchequer in *Attorney-General v. Delaney*? I venture to submit, as a point for consideration by those who are competent to consider it, that possibly, if the matter be carefully looked into, it may be found there is no real conflict between the two decisions.

The bequests before the Court in the later case were simply for Masses to be said for the repose of the souls of the testatrix and her brother, and they were held to be not charitable distinctly upon the ground that there was nothing in them that the Court could declare to be "of public benefit,"<sup>1</sup>—the judgment laying particular stress upon the fact that there was not "on the face of the will," "or indeed at all," an obligation that the Masses should be said "in public."

Now let us look to the terms of the bequests that were upheld by Lord Manners as charitable. Two of these referred distinctly to Masses.

The first was a bequest of £50, as follows:—

"I desire three Solemn Masses to be offered for the repose of my soul, one on the day of my interment, the other two in a

<sup>1</sup> I. R. 10 C. L. 104.

month, and a twelve-month's mind ; at each of which I desire (if possible) to have thirteen clergymen to perform the rites accustomed on these occasions ; to defray which I desire that my executors may pay the sum of £50 into the hands of the then Roman Catholic clergyman of the Chapel of Mullingar for that purpose."

The second was a bequest of £20 a year, in perpetuity,<sup>1</sup> as follows :—

"I leave and bequeath . . . the sum of £1,000 . . . the interest that shall arise and accrue on the said sum . . . to be disposed of in the manner following, that is to say, £20 to be given yearly to a third clergyman for the attendance of this parish, for which he will, I hope, offer a weekly Mass for the repose of my soul and the benefit of my son," &c.

The second of these bequests was unquestionably for a legally charitable purpose. It was a gift towards the maintenance of a minister of religion.<sup>2</sup> The addition of the words expressing a "hope" that the clergyman thus aided in his ministry would offer up certain Masses for the repose of souls could not, of course, interfere with the otherwise distinctly charitable nature of the bequest. This bequest calls for no further consideration here.

The bequest of £50 plainly stands upon a different footing. It was distinctly a bequest for Masses. But, as in a case dealt with in an earlier part of this paper, we have only to look into the terms of the bequest to see that it contained the important element that was wanting in the bequests in *Attorney-General v. Delaney*, and that, if contained in those bequests, would apparently have been regarded, at all events by the Chief Baron, as investing them with a legally charitable character.

Nothing could be more obvious than that the Masses provided for in the bequest upheld by Lord Manners as charitable were *religious services essentially of a public character*. The words employed by the testatrix cannot possibly refer to anything else than the public services, including a Solemn Office and High Mass of Requiem, with

<sup>1</sup> See I. E. RECORD, February, 1895, pages 109, 110.

<sup>2</sup> See I. E. RECORD, March, 1895, pages 221, 224.

all the religious "rites accustomed" on such occasions as the day of burial, the "month's mind," and the anniversary, of a person deceased, in whose case provision has been made for the holding of those solemn services.

How can it be contended that there is any conflict between the decision upholding as "charitable" a bequest such as this, and the decision in *Attorney-General v. Delaney* where the bequests contained no reference of any kind to the public celebration of the Masses?

It is for lawyers to say whether Lord Manners' decision is not rather to be regarded as a judicial answer in the affirmative to the question raised by the Chief Baron, as to whether the bequests in *Attorney-General v. Delaney* should not have been held legally charitable if the will in that case had contained a direction that the Masses were to be said "in public, in a specified public church or chapel in Ireland."

To bring to a close the treatment of the subject of Bequests for Masses, it remains only to deal with a very recent case in which a sum of money, which was available only for legally charitable purposes, was applied, indirectly, under the sanction of the Court, for the purpose of having Masses said for the repose of the soul of a testator.

This case, *Blount v. Vidity*,<sup>1</sup> was in the Vice-Chancellor's Court, where it was finally dealt with on the 19th of December, 1893. It was a case of the administration of an estate, the estate of the late Lord Netterville, who died in April, 1882, and whose will contained the following bequest:—

"I bequeath all the residue . . . of my personal estate . . . for such charitable purposes . . . as the Roman Catholic Archbishop of Dublin for the time being shall . . . in his absolute discretion direct."

In July, 1893, when the final allocation of the funds was being made, the Vice-Chancellor declined to pay out the

<sup>1</sup> The report of this case will be found in a very recent number of "The Irish Reports," the monthly issue for February, 1895. [1895] 1 I. R. 42.

residue to the Archbishop, as there was not before the Court any statement of the charitable purposes to which the fund would be applied.

The fund having been left "for charitable purposes," at the "absolute discretion" of the Archbishop, the requirement of a statement as to how that discretion was to be exercised might perhaps be regarded as an unauthorised interference with the wishes of the testator. But, however this might be, there was a clear advantage to be secured by complying with the Vice-Chancellor's direction. The case, treated on the line laid down by him, would manifestly afford an admirable opportunity for submitting to judicial decision some form of clause enabling a provision to be made out of a "charitable" fund which would secure the saying of Masses for the soul of a testator. The clause could be drawn by eminent lawyers in whatever form they might consider most advisable, so as to keep within the lines of legally charitable purposes. In the event of an unfavourable decision being given upon the clause in the Vice-Chancellor's Court, the case could be brought to the Court of Appeal, and, if the decision there also was unfavourable, there was in reserve an exceedingly strong position, such as never could be secured in the case of such a question arising out of a bequest in a will. For, if the form adopted in the first instance failed to pass the ordeal of judicial decision, it could be amended, and, if necessary, amended again and again, until some form of clause was obtained which, whilst it would securely provide for the saying of the Masses, would at the same time be recognised by the Court as making a legally charitable application of the fund.

Besides, on the merits, the Vice-Chancellor's requirement seemed a not unreasonable one. As it turned out, he was merely following a precedent set by the present Master of the Rolls in a somewhat similar case.<sup>1</sup> In the case dealt with by the Master of the Rolls, a residue was bequeathed for charitable purposes, at the discretion of a trustee named in a will, and it was sought to move the Court to control

<sup>1</sup> *Hagan v. Duff*, 23 L. R. Ir. 516.

the trustee in the allocation of the money. This the Master of the Rolls declined to do. But he required the trustee to submit to the Court a statement of the intended allocation of the fund. He did so for the very obvious reason that the fund being a charitable one, and under the control of the Court, the Court was only exercising its jurisdiction for the general protection of charities in taking steps to satisfy itself that the purposes to which the fund would be applied were really charitable purposes.<sup>1</sup> As the Master of the Rolls put it, the person entrusted with the distribution of the fund "might possibly consider some applications of it as 'charitable,' which the Court would not so consider."

On all grounds, then, it was considered advisable to comply without hesitation with the Vice-Chancellor's requirement, and to present, in the form of an affidavit, such a statement as would put the Court in possession of information sufficient for the purpose defined by the Master of the Rolls in his judgment in the case just referred to.

For this purpose, it would be sufficient to give a list of charitable purposes, *within which the application of the fund would be confined*. It could not be necessary to state what amount was to be applied to each of the purposes named, or even to undertake that any portion of the fund would be given to each of them.

This affidavit to be lodged in Court was consequently drawn up in the following form :—

"It is my intention if, and when, the fund now in Court . . . is paid to me, to direct that . . . it shall be applied to each of the following purposes, *or to some of them at my discretion, the amounts in each case to be afterwards determined by me.* . . .

Then followed an enumeration of certain purposes submitted as "charitable," the first on the list being the following :—

"(a) To one or more of the officiating Catholic clergymen of the Archdiocese of Dublin, as I may select, as a contribution in aid of their maintenance and support as priests, and to aid and assist them in their ministry, directing, as a matter of religious and

<sup>1</sup>See I. E. RECORD, March, 1895, "On the Legal Definition of Charity."

moral duty, but not so as to constitute any legal obligation or enforceable trust, that each priest so aided and assisted shall say Masses for the repose of the soul of the late Arthur James, Viscount Netterville, the testator herein."

The case came on in Court on the 5th December, 1893, when the application for the payment of the fund out of Court, as available for allocation amongst the "charitable" purposes specified in this affidavit, was made by Messrs. Piers White, Q.C.; R. P. Carton, Q.C.; R. Shiel, and D. F. Browne, the Counsel under whose direction all the preparatory proceedings had been taken.

In the course of the proceedings in Court, whilst the case was being stated by Mr. Piers White, the Vice-Chancellor, who at first had expressed some doubt as to whether the clause really kept the proposed allocation of the fund within the sphere of legal charity, eventually recognised the clause as "savouring of great consideration" in the form in which it was drawn up, and added that it would be "very hard to find fault with it legally."

He then, however, expressed himself as willing to waive the question as to whether the proposed allocation was legally charitable or not, and to "pay the money to the Archbishop on his undertaking to apply it to charitable purposes, without entering into any undertaking as to any charitable purpose in particular." But, in the circumstances, no such arrangement could, at that stage of the case, be considered satisfactory. The statement as to the particular allocation of the fund had, in the first instance, been called for by the Court itself: the requirement of the Court had been unreservedly complied with: the Archbishop's intention as to the allocation of the fund was on record, in an affidavit of which the Court had judicial knowledge: it was for the Court either to withhold the money, if all the purposes described in the affidavit were not legally charitable, or to recognise those purposes as charitable, and so sanction the proposed application of the fund.

After this point had been pressed by Counsel, the final settlement of the terms of the Order to be made by the Court was adjourned to a subsequent day, when, after some

further discussion, the Order was made on the lines of the affidavit, recognising the proposed application of the fund as charitable.

The effective words of the Order were as follows :—

“That the Accountant-General do transfer the residue [to the Archbishop] to be applied by him to *the charitable purposes in the said affidavit mentioned.*”

Pending the decision of the larger and more important question, whether Masses to be said in public are “charitable” purposes, this case shows a practical way by which charitable gifts may be applied for Masses for the repose of souls. The moral and religious duty to say the Masses annexed to the charitable gift for the maintenance of a priest will ensure that the Masses will be said, and this case shows how such an arrangement may be legally made.

In conclusion, it can hardly be necessary to add, that, whilst the form thus recognised as legally charitable is equally available, *mutatis mutandis*, either for a clause in an affidavit such as was lodged in Court in the recent case, or for a Bequest for Masses in a will, some slight verbal modifications would have to be made in it, as a matter of technical accuracy, in the latter case. Obviously such a modification ought not to be made except under competent legal advice. The clause, as it stands, was prepared with the utmost deliberation by lawyers of the highest standing in their profession. Every word in it was most carefully weighed. Any attempt to modify it, even in the smallest particular, except under competent professional guidance, might easily result in removing from it some element essential to the expression of the purpose recognised by the Vice-Chancellor as legally charitable.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*



SOME MODERN THEORIES ON LAND TENURE<sup>1</sup>

NO one can read the pages of Mr. George without unfeigned admiration for his sympathy with the poor. But while many may desire as much as himself to see an improvement in the condition of the poor, they cannot agree with him as to the prudence or justice of the means which he recommends. His views and principles are false and mischievous in their tendency. He maintains that private ownership in land is unjust, as all are born with equal claims to it; that labour and production are the original and only legitimate sources of title; that the meanest beggar, consequently, has the same title to land as the son of the oldest and richest aristocrat; that all should start in life with similar advantages in the material world; that whatever was not the result of labour or production was acquired by force or fraud, and that force, on any favourable occasion, may be used to recover it.

The means recommended for carrying out these principles are morally wrong, and would not be likely to attain the end in view. It is admitted that these principles and views are based on the assumption that private property is unjust and rent immoral, but that if it be shown that private ownership in land be just, the remedy for the redress of evil is a wrong one. The sense and practice of mankind justify the private ownership as well in land as in any other property. And without dwelling on the present, let us glance at the first occupation of land by man. In Genesis, we read (i. 23) that God, speaking of man whom He was to create, said, let him have dominion over the whole earth. Not only the use, but the dominion of the earth was to be given to Adam. And when Adam was created, God placed him in paradise in order to enjoy it, and eat of every tree except the tree of knowledge. Now what becomes of the oft-repeated statement, that nature acknowledges no ownership or control

<sup>1</sup> *Social Problems*, by Henry George, 33,000 edition. Keegan, Paul, Trench, Trübner & Co., London. *Progress and Poverty*, by Henry George, 104,000 edition, 1, Paternoster-row, London.

save as the result of exertion?<sup>1</sup> Did not Adam receive without labour ownership, and a gift of inestimable value?

Again, we are told in the fourth chapter of Genesis (vv. 3,4) that Cain offered of the fruits of the earth gifts to the Lord, and that Abel offered of the firstlings of the flock. As the flocks which were tended belonged to one, so the land which was tilled belonged exclusively to the other. In these circumstances we see a division of property; but there is no hint that the possession of one should be equal to those of the other. And again: Abraham was ordered by God to leave his country, and to go to the land of the Chanaanite, and received the assurance: "I will give this land to thy seed" (xii. 7). If the right to existence, as stated, supposes the right to the land, why did God Himself take it from the Chanaanite and give it to Abraham?

We are told that the natural law tends to the equalization of property, and that the possession of much riches is not in harmony with the designs of Providence. Well, now, Abraham, in whose bosom Lazarus found rest, is represented as very rich in silver and gold. Abraham and his nephew Lot were so rich, and their substance so great, that they could not dwell together (xiii. 6). Abraham said to Lot: "Let there be no quarrel between me and thee, or between my herdsmen and thine. Depart from me, I pray thee; If thou go to the left hand, I will take the right; and if thou take the right hand, I will pass to the left." God ratified the division, and said: "I will give it to thee, and thy seed for ever." Does not this clearly show that the properties of Lot and Abraham were not common, and that Abraham had not only the use, but the ownership of a particular part.

In turning to the forty-seventh chapter of Genesis, we see another instance and method in the acquisition of private property. During a famine in Egypt the people, in order to support themselves, sold their cattle, and expended their all. Nothing remained for them then but to surrender themselves and their lands, on condition of receiving seed and a fifth part of the produce. Over and above the eminent and high

<sup>1</sup> Page 237.

dominion enjoyed by Pharaoh as sovereign, he acquired a personal ownership in the land, and a fifth of the produce. This happened not merely for a few years, but became a customary law. This was not brought about through the instrumentality of a pagan or unjust king. For Joseph, who received the fulness of the dying patriarch's blessings, and resisted the sinful solicitations of Pharaoh's queen, and prospered in everything, "for the Lord was with him," was the person who effected the personal ownership of Pharaoh to the land. Yet, Mr. George would have us listen to him rather than to patriarchs or prophets.

Originally, indeed, the land and its riches were common in this sense—that the children of Adam were free, each to make his own what he appropriated. The material world, in regard to the primeval inhabitants, may be compared to a large wood destined for the common use of a city, so that each became owner of what he seized or carried away. Such was the effect of original occupation.<sup>1</sup> The law of nature did not oppose, but rather dictated a division of property, with a view of preventing contentions and murder. The law of nations, which is an expression of the law of nature, has acknowledged quiet and peaceable occupation to be a just title to possession and ownership.<sup>2</sup> And when, in the course of time, the earth was peopled, and communities formed, and laws framed for the preservation of order, these laws were the expression of the natural law. Hence, other methods than mere occupation for the acquisition of property as well as for its transfer became natural, lawful, and binding. This civil society is competent to deal with property whose owner cannot be found, with treasure-trove, or with derelict, heirless property. The most civilized communities have found it necessary for the peace and public good of society to recognise prescription as a title to ownership in what really had belonged to another. If, then, every lawfully-constituted society be competent to regulate the transfer of property whose previous owners were known,

<sup>1</sup> *Instit. de rerum divisione, ferre.*

<sup>2</sup> *De Lugo, de Justitia et Jure Disput., v., sec. 1;*

in this our complex state of civilization, and, in doing so was only carrying out the ends suggested by the natural law, are we to suppose that ownership to land was not conferred on its first occupants?

To this reasoning theorists reply that occupants have a title to particular lands till, and only till, others want the lands, and that occupancy could no more shut out future claimants than the possession of a railway carriage by one should oblige all future comers to travel standing. But this comparison or illustration is not good, and if it were never so perfect it would be no proof. All who enter a railway carriage are supposed to enter on equal terms, and to pay an equal fare. We come into this world without making terms, and without our own consent. Is it not begging the question, is it not ignoring the clearest evidence, to say that God decreed all should come into this world as into a stage-carriage with the same natural advantages? Are not health of body and keenness of intellect of as much, or more value than even material advantages? Yet, some come into the world with delicate frames and weak intellects. Does not God sanction this inequality? Hence, when our Saviour was asked whether the blindness of the young man mentioned in the Gospel was caused by his own sin or that of his parents, He answered that it was attributable to this: that the glory of God should be manifested. Many with great material advantages have had to travel in the stage-coach of life in difficulties and poverty, while others, who did not own a sod of land, journeyed through life in comparative ease and comfort.

Poverty appears under the form of government traced even by the finger of God. Thus, after leaving Egypt under the guidance of God, the Israelites are represented as no strangers to poverty. Thus in Exodus (xxii. 25) it was enjoined that whoever lent money to any who were poor among the people should not bear hard against them, but that the poor, however, should not receive favour in a matter of judgment (xxiii. 3). Finally, God through His law-giver assured the people that the land of their habitation would never be without the poor. (Deut. xv. 11.) And all this was spoken under a theocratic government.

Under a kingly form of government, as represented by God's own choice, we find that the prophet Nathan pointed his moral and prophecy by his allusion to the poor in the City of Jerusalem. (Kings ii. 1.) Even our Divine Redeemer, on the eve of His passion, in rebuking Judas for his affected concern for the poor, said:—"You always have the poor with you." And the inspired Evangelist, while sketching with a prophetic touch the end of the world, declared that the beast shall make little and great, rich and poor, bear a character on their foreheads. In point of fact, every page from Genesis to Revelations mentions or supposes the existence of poverty.

The reader is naturally curious to learn what argument is adduced to prove the conduct of the patriarchs, prophets, and every civilized community to be unlawful. Our theorist devotes a special chapter in direct proof of the "injustice of private property in land," and heads the chapter by a definition of justice from Montesquieu; it is this, a relation of congruity which really subsists between two things.

Now, no competent moralist would give such a faulty definition. Of course we are to understand him as speaking of commutative justice, as he evidently has been speaking of commutative injustice. A thing may be called congruous but not just, and may be incongruous without being unjust. Commutative justice has relation to others than ourselves. No person can be said, properly speaking, to be unjust to himself. Justice, then, has to do with persons, not things, and to establish not only congruity but an equality. There may, indeed, be an incongruity between several parts of a drama or their actors, but no injustice unless a poetic injustice. There is a congruity in feeding a beast in proportion to the work imposed on it; yet, in neglecting to do so there is no injustice. And in the spiritual line nothing is more familiar to the theologian than the contrast between congruity and justice.

But, without dwelling on the reference to Montesquieu, we come to the author's own argument against private ownership of land. It may be reduced to this: that man being created an independent individual is entitled to the

full produce of his energies and faculties; that rent paid for the exercise of these energies on land, which has been created for the use of all, is unjust and unnatural, and that as man belongs to himself, so does his labour also. In continuation, he says, that what a man makes or produces is his own as against the world, so that he may enjoy, exchange, or destroy it.

Now, this statement and the reasoning by which it is sought to sustain it cannot be admitted. Man cannot act as he likes in reference to the society into which he has been born. For instance, he can produce false coin, but has no right to utter it. Human liberty does not require that a man should act in violation, just as he wishes, of the laws of a community of which he forms a member. On the contrary, deference and submission are due for the weal of the commonwealth to every lawfully-constituted authority. Even the *Social Compact*, which supposes man to have first lived without reference to his neighbour, had to admit the necessity of transferring some part of human liberty to a ruler for a greater good.

In support of land-nationalization, its advocates would have us believe that all, unless landowners, are slaves; that slavery is unjust and unnatural; and that opposition to land-nationalization is unjust and unnatural. But these suppositions are not to be taken for axioms. I dwell the more on this matter, as the author of *Progress and Poverty* opens one of his chapters by the proposition that "if chattel-slavery be unjust, then private property in land is unjust." Property in land is forbidden neither by the human nor natural law; nor does the natural law forbid property in man *per se*. On the author's principle, a man being an independent individual should be able to dispose of his liberty and energies. Slavery is entailed by the right of war; and as a man may forfeit his life in a just war, so by the law of nations he may incur a less evil-slavery.<sup>1</sup> Again, civil tribunals may in mercy commute a sentence of death into one of perpetual slavery. The saints have been known to

<sup>1</sup> Grotius, *de Jure Belli*.

sell themselves as slaves for the sake of others. The law of nations has sanctioned the hardships inflicted even on the innocent children of the vanquished in war.

The reader may wish to learn how the author of these wild schemes, without an actual division of the land, could promise an equality in wealth to all. The plan of the nationalizers is simple and very briefly told:—"We take some rent already, and we have only to make some changes in our taxation in order to take it all from the landowners." Such being the case, if the present landowners are to be left in possession of lands, they are to be loaded with all taxes direct and indirect. They are to be treated as tax-gatherers, so that their profit from land should be no more than wages for their services; and while every trader, tradesman, and labourer are to reap the full benefit of their respective industries, all the direct and indirect taxes are to be borne by the landowners!

The confiscation of rent proceeds on the principle that the land derives value from the people. The congregation of people, it is said, raises the land from prairie value to an extravagant price. But nationalizers should know that if the congregating of people together be the occasion of a change, the mere occasional cause would not give rise to a title to gain or an obligation to a burden. Otherwise, the owners of steamships should make restitution to the owners of superseded merely sailing vessels. On the same principle, the tailor, shoemaker, victualler, and artist, should share their profits among the community with whom they plied their industries. For man in an isolated and primitive condition made his own clothes, baked his bread, and killed his own game. There is no special reason, then, why the owner of land only should share the profits of possessions so often acquired by great personal sacrifice.

The aim of the author is to exalt one section of the community at the expense of another. The means recommended could never be successful in attaining the contemplated end; and, even if successful, they never could be sanctioned by any principle of morality. In order to prove this there is no need of much reasoning or

reference to authorities ; we have only to let him speak for himself.

Mr. George, in common with all writers on political economy, admits that the three great factors of production are land, labour, and capital ; yet by and by he states that labour given for wages is an exchange of capital of one form for capital in another form. This confusion arises from a desire to increase the wages of the workman and depreciate the value of capital. And further on he states that capital is only a subdivision of labour, and that there is no more difference between both than between skilled and unskilled labour.<sup>1</sup> Hence, in the distribution of wealth, our author would have its division of a dual rather than tripartite character. He would have the produce shared not by interest on capital, but by rent from land and by wages from labour.

Nor is this all : our social economist would not only have labour absorb interest, but would confound rent with labour. For, in advocating the abolition of private ownership in land, he ventures to assert that this course would prove a great benefit not only to the working farmer, but in varying degrees to all landholders. In proof of this statement, he proceeds to assert that many landholders are labourers of some kind, and that it would be difficult to find a landowner who if not a labourer is not a capitalist. By reasoning of this sort our economist would merge the landowner in the labourer or in the capitalist ; but as he stated previously that wages being the result of labour was only a species of capital, he would hardly have labour separable from land and capital ; yet he set out by the admission that they were three independent factors in production. This self-contradiction arises from a desire to persuade landowners who were to be left only a percentage of their rent that they would thus secure for themselves a " great gain."

Our economist states that it is so natural to identify the capitalist with a landholder that they are in common thought and character confounded. When in another

<sup>1</sup> *Progress and Poverty*, page 104.



passage, following the division of all economic writers, he necessarily distinguishes between capital and labour, he would have it that labour employs capital rather than capital labour. He would change the derivative and conventional meaning of capitalist, and depress him in order to exalt the labourer. By this means would be carried out his programme "to raise labourers' wages to the highest point which employers could pay."

The desire of exaggerating the importance of labour and of subordinating to it the other factors of production has led our author to compare a capitalist to a broker. When a person wishes to exchange silver for gold, he goes to the broker and produces his silver: the broker having counted it lays it aside, and gives the equivalent in gold less the commission. By this transaction the broker instead of incurring a loss makes a gain. Now it is asserted that the position of capitalist is analogous to that of the broker.

But who does not perceive that the work of operatives in factories or elsewhere may not at all result in any profit to the employer for a considerable time after the daily or weekly payment of labourers? Who does not know that some work for which payment was made may be quite unremunerative, nay, even a positive loss? Who does not know that wages are advanced before the work is completed? It is quite sophistical then, if not childish, to assert that a farmer or employer who engages a man to drain or till land which can yield nothing till the following harvest makes no advance, even for a moment, of capital.

In his *Social Problems* Mr. George admits that all civilized nations act on the assumption of the lawfulness of private property in land, yet in his *Progress and Poverty* he would not have tenant proprietorship extended to Ireland! His reasoning is more amusing even than his assertion. This, he contends, were to put the tenant in place of the landlord, and would not profit the producer; therefore, in his mind, a tenant is no producer.

His objection to have Ireland live under the like conditions to other nations prosperous and civilized is not worthy, surely, of a philosopher. The ground for his objection

is that it is as evidently the intent of God that land-values should be the subject of taxation as that "man should walk on his feet." Our author devotes a full page only to prove the natural use of the feet. And here I am reminded of another revolutionary principle advocated by our author. He states that the obligation of one generation may be disregarded by the next. This, indeed, were an easy method of getting rid of debts and proving ourselves clever. But if obligations incurred were to be as useful to posterity as to ourselves, why not have posterity share the disadvantages as well as the advantages? If then the expenses for the construction of any useful permanent work were to be thrown on one generation, the progress of improvement and civilization would be checked. If the repulse of a foreign foe or the necessary development of the resources of the country called for an outlay that would lightly press on all by being spread over several generations, how in the name of common sense and honesty could the next generation repudiate their claim?

As specimens of his self-contradiction, our author states in one passage<sup>1</sup> that his programme would not demand that the "rich should be spoiled for the benefit of the poor;" yet in another passage<sup>2</sup> he says the opposite. For he assures us that when all taxes are abolished save those which fell on rent, no more will be left to landowners than may be necessary to induce them to collect the public revenues.

Notwithstanding these self-contradictory extravagances, he would have us believe his programme is moderate, as he asks only for "what would satisfy reasonable desires, so that no one would want to rob or murder."<sup>3</sup> But who is to judge of what is reasonable? Moreover, he admits<sup>4</sup> that people "having got so much leads them to ask why they should not get more;" "that there is no fixed standard of satisfaction;" "that we become restive when we realize our position can be improved;" that the best order is not

<sup>1</sup> *Social Problems*, p. 81.

<sup>2</sup> *Progress and Poverty*, p. 289.

<sup>3</sup> *Social Problems*, p. 67.

<sup>4</sup> *Ibid.*, p. 72.

always that which exists, and that it is man's duty to discover and establish it. Our author boasts that he belongs to the school of Proudhon ; and I admit he is a worthy disciple of him whose motto was : " Property is robbery."

Though a quotation from an evangelist heads the writings of the author in question, they breathe, I fear, a spirit antagonistic to the Gospel. His *Social Problems* (p. 83) states that if its programme be carried out all charitable societies will become things of the past. That may be so ; but their need will always be necessitated by the presence of the poor.

Our reformer proceeds to give us a negative character of a true Christian, as if we had no Gospel. " He who observes the law and the proprieties, and cares for his family, yet takes no interest in the general weal, and gives no thought to those who are trodden under foot, save now and then to bestow alms, is not a true Christian." But the Gospel of Christianity assures us that unless we take care of our own families we are worse than infidels ; that salvation consists in the fulfilment of the law ; and that as often as we relieve the poor by alms, we render a service to Christ Himself.

The total disappearance of the poor from society, as contemplated by the new scheme, would appear to be at variance with our Saviour's utterance—"the poor ye always have." This objection did not escape the notice of our author ; but his reply is that the divine utterance referred to the occasion that elicited it, to the present and not to the future, and that those who think otherwise wrest Scriptures to the "devil's service !" The experience of the last nineteen centuries affords a proof of the fulfilment of the utterance of Christ ; and we may be sure the future will not through our author's scheme falsify it.

In another passage our author states there are already signs and whisperings in the air such as heralded the horrors of the French Revolution, and that the most effectual way for averting such a catastrophe is to bring about the nationalization of the land. He adds that the portentous signs bring to mind the threat and assurance of our Saviour :

"Think not that I am come to send peace on earth. I came not to send peace, but the sword."<sup>1</sup> Well, I am not aware that any Catholic commentator ever hinted that the trouble alluded to by our Redeemer would ever arise from a fight for land-nationalization.

And, by the way, it does not appear ingenuous or consistent to claim the aid of Revelation in one place, and in another place to ignore it. For in his *Progress and Poverty*, (p. 336) he appears to doubt the origin of man as given in Genesis. He prefers the mythical ravings of a poet to the generally received account about the gifts and privileges of the first man. He represents man as gorging on flesh as a wolf till some person sowed a corn-seed which grew to be the staff of life; and as mowing and babbling till some one chanced to utter a note of speech, and patient fingers then framed the lettered sound. This poetical and pagan account of man is at variance with the belief in the great gifts natural and supernatural with which the first man was endowed by his Creator; and having informed us that the fundamental ideas of an intelligent Creator and of a future life, are on the general mind rapidly weakening, he does not decide whether this is or is not progress.

Our author, having given his commentary on the Gospel, turns his attention to the Apostles and the Church of God in order to vilify them. He tells us that the history of modern civilization is the history of the struggles and triumphs of religious freedom. We are not to infer from this that his slander is directed merely against Catholicity. Christian teaching, common to all creeds, is denounced; for he attributes the monstrous inequalities and abuses in society to the teaching of catechism to children, particularly that part which directs them "to honour and obey the civil authorities, and to do their duty in that state of life in which it has pleased God to call them."

Here we see the teaching of the Apostle St. Paul set at naught. Our author denies that the authority with which every legally constituted government is invested

<sup>1</sup> *Social Progress*, ch. iv.

has the sanction of God. He calls the right divine of governments *blasphemy*; but, in charity, I must suppose he blasphemes what he does not appear to understand. He is contradicted by all our standard authorities on this subject—by St. Thomas,<sup>1</sup> St. Augustine,<sup>2</sup> Suarez,<sup>3</sup> Bellarmine,<sup>4</sup> by Bossuet.<sup>5</sup>

Our author would mark with the brand of blasphemy also the statement that the Creator condemned the masses of men to hard toil for a bare living. He appears to forget the consequences of the sin of Adam. But while he is so concerned for the honour of his Creator, he would not have governments interfere with the belief or worship of Him by any who gave the like liberty to others. On this principle our liberal reformer would allow God to be worshipped by Mormonism or fetichism by some, if all others had the same right.

To be brief: the writings at the head of this article aim at an unattainable end through immoral means. These are defended, not by any show of reason, but by platitudes, sophisms, and self-contradictions. Verily their author is as unsafe a guide in social as in religious matters. I hope therefore, when Home Rule comes to us that land-nationalization will be forgotten, or that its advocate will be answered as was the advocate of a Republic of Plato by the Emperor Gallienus, that he could not afford to sacrifice Campania to such a mad and impracticable experiment.

SYLVESTER MALONE.

<sup>1</sup> 2, 2 *Quæst.* 105, Art. 1.

<sup>2</sup> *De civitate Dei*, 4 & 5 lib.

<sup>3</sup> *De primatu Summi Pontificis*, cap. 2.

<sup>4</sup> *De laicis*, lib. iii., ch. 6.

<sup>5</sup> *Cinquième Avertissement, sur les lettres de M. Jurien.*

## HIBERNIA CHRISTIANA

THE second half of the century now drawing to a close has witnessed a notable and sustained revival of interest in the language, literature, and history of Ireland. At home and abroad, whether in individual effort or concerted action, the spirit of research has employed itself on the origin and development of native speech, the productions of native authors, and the contents of native annals. The results have been fresh investigation and ample extension of the domain of knowledge of the subjects in question. Furthermore, originals have been rendered accessible to an extent that will enable the labour to be prosecuted with effect.

The work, however, has not been carried on with uniform ardour in every direction. The most glaring remissness—it is too palpable to be concealed—appears in connection with the Latin literature and history of the Church. As regards the first, our present scope embraces the period from the introduction of Christianity to the advent of the English. For purposes of reference, we premise a list arranged according to subjects.

EARLY AND MEDIÆVAL LATIN LITERATURE OF THE  
IRISH CHURCH

1. CONCILIAR :—(a) Synodal Decrees of St. Patrick ; (b) *Collectio Canonum Hibernensis* ; (c) *Sermo Synodalis* in *Speckled Book*.

2. LITURGICAL :—(a) Stowe Missal ; (b) Corpus Missal ; (c) Stowe Sacramentary ; (d) Fragments in Books of Dimma and Mulling ; (e) Antiphonary of Bangor ; (f) *Cursus Scottorum*.

3. PASCHAL :—(a) Easter Tables of Roman-Irish Cycle of 84, of Victorian and Dionysian (Alexandrine) Cycles ; (b) Spurious Paschal writings :—(1) Book of Anatolius ; (2) Acts of Council of Cæsarea ; (3) Prologue and (4) Letter

of St. Cyril; (5) Tractate of St. Athanasius; (c) Paschal Epistle of Cumman.

4. SCRIPTURAL:—(a) Tract of St. Caimin, of Inisceltra, on Pa cxviii.; (b) Commentary of St. Columbanus on the Psalms; (c) Mystical Interpretations of St. Aileran; (d) Commentary on Wurzburg St. Matthew; (e) Sedulius on Pauline Epistles, on Breviaries and Chapters of, and Hieronymian Prefaces to, the Evangelists; Paschal Prose of same; (f) Claudius on the Pauline Epistles; (g) *De mirabilibus Sacrae Scripturae*; (h) first and second books of Chronicle of Marianus Scotus.

5. HYMNAL:—(a) Hymns in Book of Hymns; (b) in Mone's *Hymni Latini Medii Aevi*; (c) Poems of St. Columbanus; (d) *Carmen Paschale* of Sedulius.

6. MORAL:—(a) Penitentials; (b) *Instructions* of St. Columbanus.

7. HAGIOGRAPHIC:—(a) Tripartite Catalogue of Saints; (b) Martyrology of Tallaght; (c) Patrician Documents: (1) Tripartite Life (from the Irish); (2) Collections in Book of Armagh; (d) Adamnan: (1) Life of St. Columba; (2) *De Locis Sanctis*; (e) Lives of Saints in Codex Kilkenniensis and other MSS.

The foregoing, without claiming to be complete, represents the chief sources of information respecting the origin, doctrine, and practice of our national Church. To have them at hand in their entirety in reliable texts, with notes and indexes, will be conceded to be indispensable for profitable study. Unfortunately, however, some still lie partly in manuscript; some, wholly: the remainder, with few exceptions, have been edited with deficient knowledge, or with bias, or both. In addition, the publications, for the major part, are so scarce as to be beyond reach of all, save the favoured few with affluence and leisure.

Of the early workers, Colgan, O'Clery, and Fleming may be taken as typical. The two hagiographic works of the first are of such rarity that it will be sufficient to give references dealing with some of the errors they contain.<sup>1</sup> The

<sup>1</sup> *Annals of Ulster*, vol. ii. 96, 105-22-30; iii. 474-5-87.

*Martyrology of Donegal* was compiled by O'Clery. Comparison with the chief source, 7 b, reveals numerous and grave lapses. For instance, at Aug. 15, Fachtna (patron of the diocese of Ross) is given as bishop-abbot of Dairinis of Maellanfaidh in Hy-Kinsellagh. But the original rightly assigns Fachtna to Rosscarbery; makes a saint of another name bishop-abbot of Dairinis, and omits Hy-Kinsellagh.<sup>1</sup> The place intended is the Dairinis, of which anon; not the Dairinis of St. Neman, the island of Beg-Erin in Wexford Haven. Finally, Fleming (*Collectanea Sacra*, Louvain, 1667) omitted to annotate any of the patristic, conciliar, paschal and historical quotations or allusions in the five Letters of St. Columbanus.

Coming down to our own times, we select editors who had at hand the means of informing themselves on the subjects with which they undertook to deal. 1 a is a collection in sixty-four "books" of decisions, synodal or individual, native and foreign, adopted in the Early Irish Church. It has been twice edited by Wasserscheleben (Giessen, 1874; Leipzig, 1885). Both issues omit many items found in some of the MSS., and leave native allusions unexplained. The second edition contains two crude and misleading essays: *The Irish and Roman Churches; On Peculiarities of Irish Church and Civil Law*. As to the date, he can only say that it is to be placed at the end of the seventh or beginning of the eighth century; the place he has nothing anent. The solution of both questions is of sufficient interest to justify its insertion here.

One of the continental MSS. has the following bilingual note: *Hucusque Ruben et cu cui miniae et durinis*. This is to be amended: *Hucusque Ruben et Cucuimne, et du [Dai]rinis [dóib]: Thus far [compiled] Ruben and Cucuimne and [they (belonged)] to [Dai]rinis*. *Hucusque* was used, as a different subject followed in the MS.<sup>2</sup> The *Annals of Ulster* have the

<sup>1</sup> *Book of Leinster*, 361 d.

<sup>2</sup> Compare the Chronicle of Prosper: *Hucusque Hieronimus presbyter ordinem praecedentium digessit annorum; nos quae consecuta sint*



obits of *Ruben*, scribe (i.e., learned man) of *Munster*, and *Cucuimne*, the sage, at 725 and 747, respectively. The latter is author of the well-known rhymed hymn to the Blessed Virgin, *Contemus in omni die*, preserved in the Book of Hymns. The date accordingly falls within the first quarter of the eighth century.

Respecting the locality, about two miles above Youghal, the Blackwater, changing a short westerly course, flows south to the sea. At the turn, from the west debouches a valley about the width of the river; through it flows a tiny tributary. Daily, owing to the action of the tide, the expanse assumes the character of a lake. Here, to the left as you go up stream, with its tall trees and ivied ruins nestling under the northern bank, lies diminutive Dairinis, now as of old the *Oak-island*. Embosomed amid wood-clad heights and looking out upon sunlit waters, the place in its quiet beauty fulfils the ideal of a home for the scholar and the poet. The monastery was founded early in the sixth century by the Maelanfídh mentioned above.

Thus, after a lapse of more than eleven hundred years, thanks to the fact that one of its literary treasures was carried over sea, this hitherto unknown school, more fortunate than the neighbouring seat of learning, Lismore, vindicates the honour of having digested the enactments current in the Early Irish Church.

At the same time, it is due to this veteran scholar, and we are pleased to record, that 6a, has been edited by him in a manner that leaves very little to be desired. The Introduction, in particular, displays wide learning, mastery of detail, and original and solid deduction.

In his *Liturgy and Ritual of the Celtic Church* (Oxford, 1881), Warren has printed 2a, c, d, and drawn conclusions therefrom. His transcript of 2a, being superseded by the text of the R. I. A. edition,<sup>1</sup> we pass it over. Equally

adiciere curavimus A. P. 351 [= A. D. 378]. (Ed. Mommsen, *Chronica Minora*, Berolini, 1882, I. 460). Similarly, the Madrid Codex; Hucusque Severus, qui et Sulpitius; dehinc Idacius (*ib.* 626).

<sup>1</sup> *Zeitschrift für Kath. Theol.*, Juli, 1892, p. 405.

unreliable is 2 c, as may be seen from the following out of forty-six similar examples :—

<i>Liturgy, &amp;c.</i>				STOWE MS.	
Page	207,	line	6, Domino,	Fol. 44 b,	Deo vivo.
"	"	"	10, adetis [!],	"	adeas.
"	"	"	24, creatum,	45 b,	creatura.
"	211,	"	26, Deus,	50 b,	sancte.
"	212,	"	5, item,	"	i[n]ter.
"	"	"	10-11, Dominum,	"	Deum.
"	213,	"	22, Deum,	52 b,	Iesum.
"	214,	"	11-12, in una	53 b,	in una[m]
"	pariat gratiam atque			pariat gratia mater	
"	infantiam [!],			infantiam.	

No doubt, as in the case of 2 a, the editor may plead that he was pressed for time. But the reader was not informed of the fact; the confession was extorted, and no adequate reparation has been made by withdrawing the publication or otherwise.

The purport of his allegations and inferences is set forth in its true light by Dom Bäumer (whose premature death early Liturgy has to deplore) :—

"The present attitude of the Anglican Ritualists has not been without influence on the treatment of the question [of the date of 2 a]. Reading the literary productions of the first editor, Warren, one perceives at once that for these gentlemen, the chief thing is to establish the latest possible introduction of the Roman rite into Ireland. Full willingly would they admit that the early Britons and Irish, down to the ninth or tenth century, were Christian. nay Catholic and Apostolic, without, however, being in communion with Rome."

The following shows how preconception alters and enlarges plain matters of fact :—

"Celtic saints sometimes referred to Eastern authority in self-defence, in their controversies with Rome. St. Columbanus . . . protected himself from the charge of schism, and defended the Celtic mode of determining the fall of Easter, by referring to the authority of Anatolius [Bishop of Laodicea, A.D. 270]. He accused the continental Church of innovation; its computation having been altered [by Sulpicius Severus, A.D. 410] by Victorius [of Aquitaine, 450, by Dionysius Exiguus, 525]: and he finally

<sup>1</sup> *Zeit. etc., ubi sup.*, p. 449.

declared to Pope Boniface his readiness to abide by the [2nd canon of the 2nd] Council of Constantinople. ['Let not bishops go out of their dioceses to churches out of their bounds, nor bring confusion on the churches,' &c.].<sup>1</sup>

Now, the five places we have bracketed are not to be found in the Letters of Columbanus.<sup>2</sup> Nor is this the worst. "Anatolius" is the "holy man" who imposed on Bede: the forgery 3 b, 1. The genuine (lost) Cycle began in 277.<sup>3</sup> Sulpicius Severus made no Paschal alteration; Victorius wrote in 457. Finally, the Irish saint, unlike his Oxford scholiast, knew the conciliar decrees and his own position far too well to assign the second Canon in question to the Second Council, or to justify himself by the words here attributed to him. He quotes—evidently from memory; many eventful years had passed since he studied the *Liber Canonum* in his young days at Bangor—from the *Synod of 150* (i.e., the First) the enactment (in Canon II.) relative to the churches (such as he took those of Ireland and Gaul to be) in barbarous nations.<sup>4</sup>

At the same time, as in the case of Wasserscheleben, we are free to acknowledge that 2b, which presents a more developed and mainly Roman liturgy, has been edited in a manner fairly commendable by the same scholar (London, 1879). Nevertheless, even then the polemical taint manifested itself, e.g., in a ludicrous theory about Petrine and Ephesine influences (p. 42) and a flourish about St. Malachy sweeping away "the last vestiges of the old national rite and of liturgical and ritual independence."<sup>5</sup>

The new edition of 7 d 1 we deal with elsewhere in the present issue. A book otherwise undeserving of serious

<sup>1</sup> *Liturgy*, &c., p. 56.

<sup>2</sup> *Epistolæ sex ad diversos*, Migne, *Patr. Lat.*, lxxx. 259-84.

<sup>3</sup> Ideler: *Hdbch. der math. u. tech. Chron.*, ii. 226-7.

<sup>4</sup> Vale . . . papa . . . memor nostri . . . in piissimis sanctionibus, juxta sanctorum Cplæ. synodi cl. auctores, ecclesias Dei in barbaris gentibus constitutas suis vivere legibus, sicut edoctas a patribus judicantes. *Columbani ep. ad [Bonif.] Papam*: *Patr. Lat.*, lxxx. 269-70.

. . . Ecclesias autem Dei in barbaricis gentibus constitutas gubernari convenit juxta consuetudinem quæ est a patribus observata . . . *Ecc. Can. II. Conc. I. Cpli. Harduin*, i. 280.

<sup>5</sup> Page 44.

notice, we have exposed it in some detail, to show the uses to which our hagiography is being perverted by the school described by Dom Bäumer, and thereby stimulate those concerned to effectually neutralize the evil.

Books, however, like the *Liturgy* and new *Adamnan*, written with obvious controversial design and manifest bias, not unfrequently fail of the main intent; they irritate instead of convincing. The case assumes a more sinister aspect when assertions and theories demonstrably devoid of foundation are advanced under cover of historical impartiality. In this Journal,<sup>1</sup> it has been proved anew from the Oxford edition of the *Lismore* (Irish) *Lives of Saints* (1892) that in our hagiography no reliable result was attainable without a grasp of native idiom, knowledge of Catholic doctrine and discipline, familiarity with chronology, and first-hand acquaintance with national history. Far be it from us to triumph over error how grudgingly soever confessed. But, unfortunately, with traditional intuition, the Rolls' Office had selected the same editor to translate and annotate 7 c (1887). As was to be expected, results similar to those in the *Lives of Saints* appear in a more exaggerated form in the official publication. Of the more palpable, some have been rectified in the *Transactions of the Royal Irish Academy* (xxix. 194-9). Two fresh examples will suffice here. 7 c 1 has: *Non vere dicitis quod rex aquarum fons erat*. Hoc enim non cum eis habuit [id est] *rex aquarum* (Rolls' ed., p. 122). 7 c 2 reads: *Non verum quod dicitis quod rex aquarum fons erat: quia dederunt illi nomen* [id est] *aquarum rex* (*ib.*, p. 323). Hence it is clear the second *non* in the first excerpt was an error of transcription for *nomen*. Emendation of the kind is not, however, in the province of official scholarship. The *hoc* sentence is englished thus: "For he [St. Patrick] did not, as they did, hold it to be king of waters" (!) (*ib.*, p. 123). *Fons*, it furthermore appears, is neuter in the Rolls' Accidence.

"The Irish bishops, as is well known, had no territorial jurisdiction" (*ib.*, p. clxxxi). But, with the caution of one

<sup>1</sup> Ser. III., Vol. XII., 147 sq.

versed to appraise evidence, the scholar who, here as elsewhere, is the main source of information, for "well known" has "seems."<sup>1</sup> Had he been cognisant of the following, it were to asperse his memory to doubt what his judgment would have been. The *Col. Can. Hib.* (1 b) contains (I. 22) two enactments which commence thus: *Episcopus, qui alterius episcopi parochiam rapit, excommunicandus est (a), episcopus non exeat ad aliam parochiam et suam relinquat (c).* That the bishop intended was not the bishop-abbot is proved, to quote but one example, by the tenor of the Book (XX.), *De provincia* and the decree therein given (5 b) that questions arising in this island (between dissident clerics, 5 a) be referred to the See Apostolic.

The *Book of Armagh* (7 c 2) states that Fiach of Sletty (Co. Carlow) was the first bishop consecrated in Leinster.<sup>2</sup> Another bishop of the same tribe and place, Aed (ob. 699), went, it adds,<sup>3</sup> to Armagh and offered his tribe (by metonymy for their district, Slievemargy barony, Queen's County) and his church to Patrick for ever. Aed not being head of the sept—he was cousin-german of the reigning chief<sup>4</sup>—the alleged grant was necessarily restricted to the episcopal jurisdiction, which is thereby proved to have been coterminous with the tribal territory.

These and similar statements the editor was quite within his right to formulate. The marvel is the strange obliquity not to perceive that it was gross abuse of trust to put them forward at the public expense in a series of *Chronicles and Memorials*. Nay more, as in the case of the new *Adamnan*, there is nought to counterbalance the insidious intrusion; not a scintilla of new light, we regret to record, has been thrown upon any difficult question of chronology or topography. The work, in short, like so many more of the same Series, will have to be done over again.

Examples of a more aggravated kind it were easy to

<sup>1</sup> Reeves: *Adamnan*, p. 65, n. b.

<sup>2</sup> Rolls' ed., p. 344.

<sup>3</sup> *Ib.* 346.

<sup>4</sup> *Book of Leinster*, 337f, 351d.

accumulate from these and other such publications ;<sup>1</sup> but the foregoing, we submit, amply suffice to exhibit the condition to which the data and study of our Latin ecclesiastical literature has been reduced. The conclusion seems inevitable : the time has arrived when its guardians should concert measures to rescue and elucidate this precious heritage. Under the title *Hibernia Christiana*, and with the imprint of Maynooth, the National College may fittingly perpetuate its Centenary by issuing the productions designated above. Thus, and thus alone, will they be rescued from oblivion and neglect, from the sciolist and the theorist : application will be stimulated by having the materials at hand ; general principles will be more closely investigated to discover how they were applied to and modified by local circumstances ; Irish Church history, in a word, will at length assume the place in lecture-hall and study that is commensurate with its importance. For the rest, let an executive committee of episcopal nomination and episcopal presidency be appointed ; let the project and a brief statement of the reasons therefor be announced in the Report of the Celebration : the sea-divided Gael, we have no misgiving, will provide by subscription and donation that the undertaking shall be crowned with success. *Faxit Deus.*

In like manner, the time has come to make preparation for a local history at once comprehensive and reliable of the national Church by the compilation of Diocesan Memorials from fresh sources now accessible. These authorities are (A) Genealogies of Saints, and (B) of septs, as far as necessary to explain A, in the *Books of Leinster* and *Ballymote* ; (C) Papal Regesta, and (D) the church documents summarized

<sup>1</sup> A German critic, (*Neues Heidelberger Jahrbuch*, 1893, Heft 1) gives so-called internal proofs that the *Confession* and *Coroticus* Epistle of St. Patrick were forgeries. Here is a specimen. "*Populi multi per me in Deum renascere*ntur. Here one does not understand the *re*, for Patrick did not convert relapsed nations, but heathens. It was otherwise in the next century, when many again apostatized" (p. 77). But the context, *ad plebem nuper venientem ad credulitatem*, and a minimum of biblical learning show that *re* (John iii. 3, 4, 5) refers to being re-born by baptism.

Another conclusion, we regret to find, is based on the gratuitous and malicious suggestion that the first folio of the *Book of Armagh* was cut away because it contained nothing of St. Patrick's journey to Rome (p. 72.)

in the *Calendar of Documents relating to Ireland* (Rolls' ed., five volumes). As regards the value of A and B, we need but refer to the proofs drawn from them and given above respecting the territorial jurisdiction of bishops; C and D have been similarly exemplified in the Article on *Papal Registers* in the preceding number of this Journal. To draw exhaustively from these four is obviously far beyond the reach of isolated effort. Besides, it would be necessary to procure transcripts of instruments in C (Theiner's Collection being incomplete) and in D—a procedure involving expense. The Memorials of each diocese should accordingly be undertaken by a local society of subscribers with a committee of direction. Uniformity of plan could be secured by adopting as the basis the so-called *Taxation of Boniface VIII*.

In 1302, that Pontiff granted<sup>1</sup> a moiety of the papal tenth for three years to Edward I. The concession was fraught with one good historical result. Stimulated thereby, the grantee had the taxation made out for use of the Royal officials. Of the three and thirty sees then in separate existence, returns were obtained<sup>2</sup> from all, with exception (for reasons here irrelevant) of Ferns and Ossory. Duplicates, in substance identical, were supplied by Cashel, Cloyne, Cork, Emly, Limerick, Ross, and Waterford. On the other hand, Ardagh, Clonmacnoise, and Kilmore furnished but few parochial items. The arrangement is in three columns: containing the church, value, and tithe, respectively. As a rule, first in No. 1 stand the revenues of the bishop; next, where chapters existed, the prebends, with the names of some of the holders in Dublin, Kildare, Kilmacduagh, Waterford, and of all in Cloyne; lastly, headed in some dioceses by the names of the deaneries, come the rectories and vicarages. That the valuation was mainly based on lands, is apparent from entries in Nos. 2 and 3, such as: *Devastated by war*; *Waste*; *Waste and sterile by continued war*. The boundaries of the parishes and *termon* lands had already long existed in

<sup>1</sup> *Calendar, &c.* V. No. 123.

<sup>2</sup> Printed *ib.*, p. 202-323.

writing, as proved by an Irish Tract in the *Book of Lismore* on the territory of Fermoy (coterminous with the portion of the Fermoy deanery north of the Blackwater), which forms a microcosm of native parochial arrangement.

More authentic documents respecting the organization and endowment of the Irish Church could not be drawn up. As such, they may well be employed to form the foundation of Diocesan Memorials. For purposes of illustration they present two broad divisions—the episcopal succession and parochial topography and history. Under the first, fall the list of occupants of each see, as given in the Annals and D; particulars regarding the bishops from A, B, D; finally, documents in C relating to the diocese at large.

The second, in addition, will demand co-operation throughout the diocese. With respect thereto, there are, we feel confident, in every deanery workers among the clergy willing to verify and supplement the returns made by their predecessors nearly six hundred years ago. The sites and remains and structural features of our ancient and mediæval churches; the patron saints, their festivals and Acts, the areas of their jurisdiction, the traditional devotion to them, the customs and nomenclature of ecclesiastical origin—these and kindred topics possess a permanent interest: to note them down is to contribute at once to learning and to devotion,—to afford aid towards realizing to the full how Ireland was the abode of sages and of saints.

Thus compiled and with maps prefixed, the *Diocesan Memorials* would go far towards supplying the present lamentable dearth of digested materials for the history of the national Church in Ireland.

B. MACCARTHY.

ERRATA.—Page 335, line 27, *for* conjective, *read* conjecture.

„	339,	„	7,	„	five,	„	four.
„	„	„	9,	„	eight,	„	seven.
„	340,	„	30,	„	his,	„	This.



## GOD, AND ANOTHER WORLD

**O**UT of many arguments from reason for the existence of a personal God, and what I consider its corollary, another world for man, one has occurred to me, of a psychological character, as being fundamental, and of great force. As it is one which I have not seen at all commonly dwelt upon, I will, with the kind indulgence of the readers of the I. E. RECORD, here give it some development. Indeed, generally speaking, any thought or line of argument which specially interests, and impresses with its cogency one man's mind will have the same effect on the minds of others also.

My purpose, then, is to show from the very laws and conditions of our intelligent consciousness and thought, that evidently there is a God—or, as I should prefer to express it, that *God is*—and, consequently, another world besides this.

Let us suppose that I am engaged with a sceptic who denies the proposition, and maintains that it is incapable of proof. It is clear that, if we are to argue the point at all, we must have a common standing-ground for our encounter, and some principles on which we are both thoroughly agreed, wherewith to form our premises and draw conclusions.

Even the most advanced sceptic will hardly be so utterly sceptical as to deny and doubt of everything. Some things, at least, even he must take for granted as self-evidently certain and requiring no proof. He must needs hold, for example, the ordinary laws of human thought and right reason to be true of themselves; that is, to have an objective reality in the very nature of things. Otherwise he debars himself of any claim to deny, or doubt, or argue at all; and no one, surely, would care thus to set himself down as outside the pale of reason and common sense altogether.

To begin then with something that is universally accepted as fixed and certain, I take these laws of thought for my starting-point. What confirms me in believing that the most thorough-going sceptic would grant me so much, and make these his own point of departure also, is the certainty

I have, that if he thinks he sees me arguing sophistically, by making use of arbitrary and unwarrantable assumptions, drawing illogical conclusions from my premisses, and trying to take others in by fallacious reasoning, he will be the first to detect the flaws of my argument, expose my unfairness and inconsequence, call me to order; and, should I seek to defend my faulty method, or still hold for my wrong conclusions, he will justly dub me either a fool or a knave.

We are, in fact, forced to hold, that there are certain things universally admitted to be self-evident truths: laws, which necessarily rule our thought, and from the control of which we cannot escape; terms in language, expressing realities, above and beyond us, that have an objective existence of their own, antecedent to all human experience, and that, do what we will, we must accept them as *a priori* first principles, and necessary primordial postulates, in the same way that we receive the rules of arithmetic and mathematical axioms—since, apart from our acceptance of them as absolutely and really true, we could neither think nor speak, nor reason at all. How many of these first principles are indeed implied in the few words which I have already penned! For I have taken for granted the reality of my own existence, and that of another's also; the existence, too, of what I termed the nature of things; of human thought, its laws, and right reasoning, the ideas of truth and falsehood, moral right and wrong, as well as the notion of absurdity.

To the *nature of things* may be referred such ideas as possibility and impossibility, affirmation and negation, probability and improbability, to be and not to be, the beginning and the end, the first and the last, cause and effect, the whole and its part, absolute and relative, active and passive, greater and less, unity and plurality, likeness and unlikeness, spiritual and material; identity, order, continuity, personality, beauty, nobility, glory, praise, congruity, and their opposites, &c.; also *analogy*, together with its force when used as an argument.

We might perhaps conceive of a world or state of things entirely different from our universe, wherein all the individual

existences, results, and phenomena should be quite other than those of which we have here any experience. But a state of things from which the notions above enumerated are absent, and wherein they bear no part—this is utterly unthinkable.

Some of these ideas derive their origin from the intrinsic nature of God Himself—the proof of Whose existence I am for the moment anticipating—and are verified in Him, with a reality, and after a manner and degree, that transcends all all our utmost thoughts: whilst the notions which we conceive of them are but as shadows or reflections, adumbrating and testifying to us of Himself, and His infinite perfections. Others have their origin in the relations that He bears to His creatures, which of His own good pleasure He has freely willed to bring into existence, so to say, outside Himself; and from the relations which they bear to Him. They all, because they emanate from Him, have thus, in the nature of things, their objective truth and reality; but such of them as may be predicated of God and His creatures in common, are in Him most perfect, whole, and absolute; whilst in creatures, according to their several orders and states, they are imperfect, partial, and relative.

But to return from this short digression. In vain, I repeat, would anyone, sceptic or no sceptic, attempt aught at all in thought or speech, unless he take for granted these and a host of other ideas, and hold their reality as certain and self-evident. But should a sceptic question the reality of what are universally admitted to be self-evident truths, constituting the first principles of human thought and action, he has no right to pick and choose between them. To be consistent, he must profess his doubtfulness as to all alike; and that even his own existence is no more than a possibility. Hence he must not, then, complain, should we take him at his word, and, preferring the side of his non-existence, pass over as nonentity his objections and arguments.

Now, all that I have hitherto said, points to the existence, outside of and beyond this world of our sensible experience, of another, higher and greater, spiritual world, from which

are derived these our master-truths—these principles that lie at the foundation of all that belongs to our intelligent thought, our present actual knowledge, and our human conduct. It, moreover, imports that this sensible world in which we now are, with all that appertains to it—so far, at least, as human intelligence and will are concerned—is linked on to, and to some extent under the influence and control of, that other higher sphere, with which man evidently has, as regards his noblest endowments, somewhat in common. But since, obviously in man, these endowments are, at best, but partial and imperfect, this would seem to suggest that the relation which our sensible world bears to that higher sphere, is one of shadow to substance, of what is but in part to fulness, of a copy to its exemplary type, of the imperfect to the ideal, of the contingent to the necessary.

It is a great gain, I think, to arrive thus far; though it be no more than at a glimpse of an unseen world of spiritual realities—call it the nature of things, or what you will—existing behind the veil of this universe of sense in which we find ourselves; and, whilst simply following the lead of laws which necessarily control our thought, to be able to trace indications which suggest that the underlying principles and first truths of man's knowledge, reasoning intelligence, and moral action, emanate from a higher spiritual sphere. It is, I say, a great gain, all this—since, hereby, we begin to cut at the root of the system of materialism, which would make out this visible universe to be self-existent, necessary, eternal, and, consequently, God-less. Materialism, moreover, by thus reducing the world to a mere self-acting machine, would, in effect, annihilate man's reason, intelligence, and will, together with all that belongs to the ethical order; that is to say, the whole moral law and its obligation, conscience responsibility, distinction of right and wrong, of virtue and vice, as these terms are commonly understood and accepted by men. Whereas, with materialists they rate for no more than conventional forms which express certain necessary results or phenomena.

But, once given a spiritual supramundane world to which the intellectual and moral order in humanity has relation,

and of which, to some extent at least, it may be conceived as forming a counterpart ; from which, too, its fundamental laws are derived—and at once a flood of light is thrown on certain intuitive notions, which, though common to humanity, are yet but vaguely and dimly perceived by the minds of men ; such as the necessary, the independent, the essential, the self-existing, the limitless, the infinite, the eternal, the absolute, the first cause, the last end, together with the nature and origin of good and evil, and of all things else besides.

All and each of these ideas pass current amongst us in this visible world, but are here understood inadequately, and only in a partial and relative sense and degree ; whilst, according to the very conditions and laws of our thought, we cannot but conceive that somewhere or other they must needs meet with their ideal standard, wherein may be found their complete perfection and fulness ; that is to say, in the absolute, to which all that is relative, by its very term, must necessarily be referred, and beyond which it cannot pass.

It is, moreover, very evident that we are living in a world of shadow and obscurity, where are many enigmas which we cannot solve, mysteries constantly before our eyes which we seek in vain to fathom, strange events happening for which we can assign no adequate reason, objections and difficulties meeting us at every turn, which we are quite unable to answer or explain. With all our learning and research, we make for the most part but guesses at truth ; and what truths we know are only half-truths. Things in their essence are hidden from us, and all that we see of them is but their phenomena.

It is, I repeat, much for us in this our imperfect state to find, on the one hand, that the fundamental principles of our thought and self-consciousness thus unfold to us the existence of another sphere, higher and more excellent than this sensible and material world—a sphere where things are seen as they are in their essence, where phenomena and shadows give place to reality, where what to us now are necessary first truths and natural laws—of which we can give no further account—will be clearly made manifest to us

in their own light, as they are in themselves, in their ideal standard, their first cause and origin. And it is much, on the other hand, to be able to feel with assured sense of security, that these first principles, which are naturally instinctive to our minds, and constituent of our intelligent thought, link us on to a world of absolute truth, and consequently have an objective reality, and a certainty that safeguards us from universal doubt and scepticism.

But if there is a supramundane sphere whence are derived the primary principles and laws of man's reason, intelligent thought, and will—forces which bear the chief and paramount part in this visible world of ours, and are here incomparably the most excelling; and if everything here is relative, and in part, and to be referred to what *there* is absolute and complete—then we should analogously infer that in that higher sphere there exists an energy of intelligence and will in utmost perfection, limitless, unrestrained, absolutely free and independent; consequently, self-existing, eternal, omniscient, almighty; such, in short, as we are wont to speak of as infinite and divine.

As, moreover, the highest and most excellent existence conceivable by our mind, is what we term *personal*, that is to say, such a single and complete existence of rational or intellectual nature in an individual, as is intrinsically indivisible, and incommunicable to another; it follows that in that other higher sphere, this excellence of personal existence is most perfectly realized—and this brings us to the conclusion that there is a personal God; that is to say, a Being infinitely perfect in His essence, intelligence, and will, independent, self-existing; of a nature absolutely one, simple, and incorruptible—that is, not consisting of parts as Pantheists imagine—supremely blessed in Himself and self-sufficing, eternal, changeless, ever the self-same, limitless and immense, infinitely wise, good, holy, just, and true; or rather Himself absolute and essential wisdom, goodness, holiness, justice, and truth; having most perfect knowledge of Himself, and of all possible creatures; hence necessarily loving Himself; and freely directing all things else that exist—of which He alone is the first author—according to

the counsel of His most perfect will, and His own good pleasure.

From the infinite perfection of His Divine intelligence, and His absolutely independent sovereign will, it follows that God is Almighty; in other words, that He can do all things that are absolutely possible; that is, which do not involve a contradiction to Himself, from their being opposed to the perfection of His Divine Nature; for He cannot deny Himself, who is essential truth, nor infringe His own supremely perfect law, which is sanctity itself, without at the same time ceasing to be God—that is, to exist: a thing that is quite unthinkable.

Again, from the Omnipotence of God, it follows that there is no power beside Him; that He has created out of nothing all things that are, and that He has endowed them with whatever powers they may possess; whilst they all are every moment wholly dependent upon Him for the conservation to them of these powers, and for their own continued existence. For, since He alone is necessary, absolute, and essential Being, all else has only a relative, contingent, dependent existence.<sup>1</sup>

But, because all things come from God who is Infinite Goodness, it follows that all the creatures which He has made, partake in degree of His own goodness, according to the capacities of their various natures, and the purpose for which He has created them; and all show forth, in their several measures, traces of His own perfections.<sup>2</sup> For there is order in God's creation. Some existences are higher and more excellent than others. We see this divine order in the things of earth. Some are inorganic and inanimate: others are organic and endowed with life: this life, too,

<sup>1</sup> "All things were made by Him, and without Him was made nothing that was made. In Him was life." (John i. 3, 4.) "All things created in heaven and on earth, visible and invisible . . . were created by Him, and in Him. And He is before all, and by Him all things consist." (Col. i. 16, 17.) "Is there a God beside Me, a Maker, whom I have not known?" (Is. xlv. 8.) "I am God, and there is no other." (xlv. 22.) "I am God, and there is no God beside, neither is there the like to Me." (xlv. 9.)

<sup>2</sup> "God created man to His own image: to the image of God He created him." (Gen. i. 26, 27.) "And God saw all things that He had made, and they were very good." (31.)

differs in excellence and kind, according as it is vegetable animal, or rational. Again, we see that creatures of a lower grade are made to serve and minister to those that are of a higher order.

Here on earth man stands out superior far to all the rest of creation around him. Compared with him the various species of animate creatures differ from one another, so to speak, only in degree, whilst man is quite distinct, and forms a category of himself apart; and he does so in virtue of his intelligence, reason, and free-will. In these faculties consists that power whereby he is able to rule over the earth as its lord and master. By means of these, too, he has power to control what is of an inferior order in his own self, viz., those propensities, which, because he is flesh he shares in common with the irrational animals.

Since, then, there is order in this lower world, and since intelligent reason and will hold in it the first place, making man, of all earth's creation, what is noblest and most akin to God, we may analogously infer that in that higher and purely spiritual sphere also, there is order of the most perfect kind, with distinctions of created personal existences variously excelling in supereminent degrees of intelligence and will, who—being of a nature more exalted than ours, and more near to God, and having their intelligence more fully irradiated by His intelligence, and their will more strongly energized by His will—know more clearly His infinite perfections, and adhere to Him with a closer union, so as to become, in a manner, wholly absorbed in Him, and unceasingly occupied in contemplating, praising, adoring, and loving that God, for and from whom alone they are, and who constitutes their sole joy and blessedness.

It is self-evident, indeed, that the proper object of every created spiritual and rational intelligence is truth; and, consequently, the knowledge of truth in its highest form, that is, God, who is Himself essential Truth. It is likewise self-evident that the proper object of every intelligent will is what is good; that is to say, the choice, pursuance, and attainment of real good, and above all of God, who is Himself the supreme and essential Good, and the sole



source of all else that is good. Thus the proper life of all created intelligent nature consists in conformity to the mind and will of God;<sup>1</sup> and to this conformity the celestial spirits, and rational men, are naturally bound to tend as their ultimate end, according to the measure of light and ability which they have severally received from Him.

From this, too, it follows that—because He alone is necessary Being, absolute and essential Wisdom, Goodness, Sanctity, Justice, Truth, and Blessedness—all intelligent creatures are naturally bound to praise, bless, glorify, love, and adore Him. Because He is their Almighty, Omniscient, Creator, the Sustainer of all things, filling all things with His presence; they are bound, as His dependent creatures, to fear Him, to refer all that they have and are to His pure bounty, to seek from Him the supply of their needs, and to thank Him for His benefits. Because He is essential goodness and mercy, who cannot but care for and love the works of His hands, and condescend to, and pity the shortcomings and weaknesses of their imperfect creature-wills,<sup>2</sup> they are bound to hope and confide in Him continually for mercy and pardon, and to trust in His all-wise and gracious providence for all circumstances that may befall them.

Since, then, God governs this visible world by His providence, and has a particular care for His rational creature, man; and has placed him here on earth over all the rest of His animate and material creation, to rule it, in so great measure, by his intelligence and will, we might further infer by analogy, that created spirits in that higher sphere—since they communicate more largely in His divine

<sup>1</sup> "This is eternal life: That they may know Thee, the only true God." (John xvii. 3.) "And life in His will." (Ps. xxx. 5) (xxix. 6, Douay version).

<sup>2</sup> "The Lord is compassionate and merciful: long-suffering and plenteous in mercy. . . He hath not dealt with us according to our sins, nor rewarded us according to our iniquities. For according to the height of the heavens above the earth, He hath strengthened His mercy towards them that fear Him. As far as the east is from the west, so far hath He removed our iniquities from us. As a father hath compassion on his children, so hath the Lord compassion on them that fear Him. For He knoweth our frame, He remembereth that we are dust. . . The mercy of the Lord is from eternity and unto eternity upon them that fear Him."—Ps. cii. (ciii.) 8-17.

intelligence and will—would, in their various orders, take an interest in, and be also given by Him a share in His loving care and governance of His lower creation, and especially of man, who more nearly approaches to their own nature, and is the chief object on earth of His predilection and bounty.

Given, then, the existence of God and of a spiritual world more excellent than ours, where higher created intelligences are ever occupied in executing His will, and with Him actively interested in the welfare of His creation, and most especially in man—and granted that union with God in knowledge and love is equally with theirs, man's ultimate end—it reasonably follows that the spiritual part of man—that is, his soul—is destined, when his mortal life is past, to enter into that higher world, where, more closely united to God, he may know and love Him more perfectly in the company of the celestial spirits.

We have already assumed, as a first principle in the nature of things, the essential distinction between spirit and matter; and as we know that at death the body is not annihilated, but is resolved in to its primal material elements, so neither can we think of the soul as annihilated; indeed, we know of no such thing as annihilation in all creation to suggest the thought, but everything leads us to a contrary conclusion—nor can we conceive of the soul as undergoing corruption with the body, since from its nature as a spirit, it is a unit, without parts, a pure and simple indivisible whole; in this, as also in its endowments, created to the image and likeness of God Himself, the one great and necessary Spirit. From all this it follows that the soul of man does not die with his body, but that it is incorruptible and immortal. This essential distinction between the soul and body is, moreover, confirmed by experience. How often at death, when the bodily powers and senses are being dissolved, do we not see that the soul is unimpaired, free, and in full possession and use of its intelligence and will, thus giving evident proof that it has no part in the body's disposition, but is independent of it.

There is something else, too, which our experience tells

us, and it is, that man's soul is, in its present state, liable to be swayed to and fro by his passions, under the influence of sensible things and surrounding circumstances; and that whilst man, borne up at times to higher thoughts and nobler aspirations, often favours the line of conduct which he knows to be the better, he is, on the other hand, very prone to yield to his lower propensities, and often prefers to act in a manner which he knows to be unworthy of himself. He is, at the same time, all the while conscious that he is possessed of free will, whereby he can make choice of the good or the evil, and hears within him the still small voice of conscience instinctively pleading, advising, warning, or upbraiding; and he well knows that, according to his choice of one or the other, it will approve or condemn. Now, all this not only witnesses to the distinction and to a certain antagonism between the spiritual soul and material things of sense, but also suggests that the soul of man is, during this life, in a condition of conflict and probation, preparatory to the fixed and everlasting state into which it will enter at death; and that the approval or disapproval which conscience gives of the soul's acts now, is the foreshadowing of a higher sentence that will be passed on the whole life's conduct, when the time of probation is over.

Merit and reward, demerit and punishment, are ideas so much akin to good or evil conduct as together to present themselves to our mind. But here the following objection occurs:—The soul does not constitute the whole man, for he is of his very nature corporeal, composed of matter as well as spirit. Consequently, as a disembodied soul after death, he would be in an imperfect and abnormal condition; and it savours of incongruity to say that he is to exist in this incomplete state for ever. If, then, man has another and a fixed life before him after this, it would be certainly more congruous to hold, that—since the body, through the restraint or indulgence of its senses and affections, ministered to the soul so large a share of what formed the matter of its merit or demerit as to co-operate, in a manner, with the soul in its good or evil acts,—he will live again in the normal integrity of his nature; that is, in body as

well as spirit, as he does now during the time of his earthly probation.

This objection is, to my mind, a perfectly valid one; and rather than admit the incongruity which it opposes, I should conceive that the Almighty would so dispose that, in that future fixed state of existence, the body, which had here paid its debt to nature, will be, eventually at least, reunited to the soul, especially as when in union, during the time of probation, they mutually shared in one another's comforts and distresses; and thus man will live again, and for ever, in his integral nature. Indeed, such an analogous continuity of existence, whether happy or otherwise, in this and the next life, seems to be demanded by the premisses that underlie our whole argument, which are *a priori* first principles, and the obvious laws of thought.

T. LIVIUS, C.SS.R.

## Liturgical Notes

### ANSWERS TO CORRESPONDENTS

#### QUESTIONS REGARDING THE CELEBRATION OF MASS AND THE CUSTODY OF THE BLESSED SACRAMENT

REV. DEAR SIR,—Kindly answer the following practical questions in an early number of the I. E. RECORD, and oblige

A SUBSCRIBER.

1. Is it necessary that during the consecration of the chalice its foot should be resting upon the altar-stone, *i.e.*, corporal, or is it sufficient that it be held raised two or three inches above the corporal?

2. When Mass is said where there is not a regular altar, as at a station, what is the proper position of the cross? Should it rest on the table used as altar, or would it do to have it fixed on the wall immediately behind and above the temporary altar? In this position it could be seen by the congregation.

3. May purified ciboria be placed in the tabernacle along with the Blessed Sacrament?

4. In the May (1894) number of the I. E. RECORD, where you so

clearly treat the question of the purification of the chalice in the case where a priest says two Masses in different churches, you say that at the first Mass, when the priest has finished the prayer, "*Quod ore*," "he washes his fingers in the vessel of water prepared for the purpose." This, I think, does not provide for the case where the first Mass is said in a temporary chapel, *v. g.*, a school-house. In such cases the vestments, &c., are usually taken in a box to the place where Mass is to be said, and, Mass over, put into the box again and carried away. In these circumstances I do not see how the vessel of water you speak of could be disposed of after the priest had purified his fingers in it. As it is a very practical question with those of us who are in backward places, I should like very much if you would kindly give your very valuable and deservedly highly appreciated opinion of how a priest should proceed in the case. What of the following method:—The priest having consumed the chalice, pours in the proper quantity of wine, gently turns the chalice round, and pours the wine into a small phial which he has for this purpose; then holding the chalice with his finger over the cup, the server pours over them wine and water as usual; this he also pours into the phial, to be consumed at his next Mass. Most priests do this, *not* immediately after the consumption of the chalice, but after the last Gospel. Which, if any, of these modes would you recommend?

1. The foot of the chalice should not rest on the corporal while the celebrant is pronouncing the words of consecration, but should be held raised slightly above it. This is the only interpretation the rubrics of the missal will admit, and it is also the general teaching of rubricists. The rubrics direct the celebrant while pronouncing the words of consecration over the chalice, to hold the chalice with both hands, *the foot of it* with his left, the stem with his right.<sup>1</sup> Now, if the foot of the chalice should be allowed to rest on the corporal, the rubrics might direct the celebrant to *place* his left hand on the foot of it, but certainly they could not direct him to *hold* the foot of it with his left hand. Moreover, the same rubrics direct the celebrant to *replace* the chalice on the corporal as soon as he has pronounced the words of

<sup>1</sup> " . . . et ambabus manibus tenens calicem, videlicet *sinistra pedem*, *dextra nodum infra cuppam*." (*Rub. Missalis*, tit. viii., n. 7.)

consecration.<sup>1</sup> The use of the word "replace" (*reponit*) is of itself enough to show that while the words of consecration are being said the chalice should not be resting on the corporal.

This, as has been already said, is the interpretation of these rubrics adopted by authors generally. We will quote the words of two who are universally regarded as eminent authorities—St. Alphonsus and De Herdt. The former says:—

"Deinde utroque cubitu super altare innixus tribus digitis sinistrae calicem in pede sustinebit, et dextera nodum tenebit, ita quidem ut pollex et index (dextrae) a parte anteriore, alii vero digiti a parte posteriore disponantur; et sic mediointer inclinatus et calicem . . . *parum super corporale elevatum tenens, attente et sine alia interruptione proferet verba, Hic est enim etc.*"<sup>2</sup>

De Herdt uses almost the same words:—

"Interea ambabus manibus accipit calicem, dextra scilicet, ad nodum et sinistra ad pedem, ita ut index et pollex (sinistrae) juncti sint supra et tres alii *infra pedem*, eundem *parum super corporale elevat* . . . et subjungit verba consecrationis, *Hic est enim.*"<sup>3</sup>

2. The rubric regarding the presence of the cross on the altar during the celebration of Mass simply directs that *super altare collocetur crux in medio*. The meaning of this direction would appear to be that the cross should be placed on the table of the altar; and, consequently, that it would be contrary to this rubric not only to place the cross against the wall over the altar, but even to place it on a gradus or reredos raised above the table of the altar. Custom, however, has sanctioned a more reasonable, if less obvious, interpretation of this rubric, and allows the cross to be raised on a gradus, or even placed on the top of the tabernacle, and also dispenses altogether with a cross on the altar when there is a representation of the crucifixion, whether painted or carved, attached to the wall above the altar.<sup>4</sup> We think, then, that it would not be overstepping

<sup>1</sup> "Quibus dictis reponit calicem super corporali." (*Ibi*)

<sup>2</sup> *De Caerimoniis Missae*, Ed. Schober, cap. ix., n. 15.

<sup>3</sup> *Sac. Lit. Praxis*, tom. i., n. 252.

<sup>4</sup> St. Alphonsus, l. c., cap. i., n. 18. note 82. De Herdt, l. c., n. 181. Bouvry, tit. xx., n. 11. Bourbon, *Introduction aux Cérémonies Romaines*, 1<sup>re</sup> partie, chap. i., n. 23. &c.

the limits defined by custom in this matter to fix the cross against the wall, as our correspondent suggests.

3. We can give no other reply to this question than that given by Cavalieri,<sup>1</sup> and after him by O'Kane.<sup>2</sup> A decree of the Congregation of Bishops, published May 3, 1693, forbids vessels containing the holy oils, or relics, purifications, or the vessel used for washing the priest's fingers after he gives communion, or other similar things, to be placed in a tabernacle in which the Most Holy Sacrament reposes. But, according to Cavalieri, this prohibition does not extend to the sacred vessels which are intended to contain the Blessed Sacrament. These, though not actually containing the Blessed Sacrament, may then, according to Cavalieri, be placed in the tabernacle along with the ciborium or pyxis containing the Blessed Sacrament. O'Kane quotes Cavalieri's opinion with evident approval; and, so far as we have been able to discover, no new decree on this matter has been issued since either O'Kane or Cavalieri wrote.

4. In his fourth question our esteemed correspondent inquires how a priest, who celebrates his first Mass on a Sunday in a temporary chapel, is to purify his fingers after the consumption of the Precious Blood. He himself suggests two methods, and asks which of them, if either, is to be preferred. We are sorry to be obliged to say that neither can be adopted—the latter, because it is impracticable; the former, because it cannot be harmonized with the instructions issued by the Congregation of Rites in the year 1857. The Congregation in these instructions directs the celebrant of two Masses on the same day in different churches *not* to purify the chalice used in his first Mass until after he has said the last Gospel of that Mass, and also directs him before purifying the chalice at this time to carefully absorb whatever remains of the Precious Blood may have collected in the bottom of the chalice. Now, in the first place, it would be both impracticable and unbecoming for the priest to keep his fingers unpurified until he had read the last

<sup>1</sup> *De Aq. Sacramenti.*, Decr. xiii.

<sup>2</sup> n. 612.

Gospel ; and, in the second place, to purify the chalice when purifying his fingers after the consumption of the Precious Blood, would be a direct violation of the instructions just referred to. Hence, we cannot approve of either of the suggested methods. But as we are fully alive to the practical nature of the difficulty which our correspondent raises, we will endeavour to point out a solution of it which will be both lawful and easy of adoption.

The difficulty may be thus stated : The celebrant must purify his fingers after the consumption of the Precious Blood, but he cannot purify them over the chalice, as nothing is to be put into the chalice until he has absorbed from it the remains of the Precious Blood after the last Gospel ; neither can he use the ordinary vessel for purifying his fingers, as he must, in the circumstances, carry the purification with him, and such vessels are not covered securely enough to permit them to be carried. What, then, is to be done ? The reply would seem to be sufficiently obvious. Devise some means by which the purification can be carried without fear of spilling. Such means the priest has at hand in the little bottle, which he must use for carrying the purification of the chalice. If the fingers to be purified be held properly over the mouth of this bottle, and the water be poured gently on them, there should not be much difficulty in thus purifying the fingers directly into the bottle. But, if for any reason this cannot be conveniently done, then it is easy to provide a little vessel in which the fingers can be purified, and from which the purification may be poured into the bottle. We beg to refer those of our readers who desire more information on this point to the number of the *I. E. RECORD* mentioned in our correspondent's question. There it will be seen that wine is not necessary, in the case contemplated in this question, for the purification of either the fingers or the chalice. Water, and water only, has been prescribed for both purifications by the Congregation of Rites.

D. O'LOAN.



## Correspondence

### THE CATHOLICITY OF THOMAS MOORE

REV. DEAR SIR,—Kindly allow me a small space in your valuable pages to thank the Very Rev. Canon O'Hanlon for his most kind and complimentary reference to my paper on Thomas Moore, in the very interesting article he wrote in your March Number. At the same time, I hope you will allow me, very respectfully, to put the Canon right on one or two minor errors into which he has fallen, owing, no doubt, to my want of perspicuity. He says: "I feel assured that no person shall be better pleased than Dr. Ambrose himself to learn that Samuel Carter Hall never circulated the report of Moore having become a Protestant; and, announcing such an impression to the Rev. Mr. Edgell, it is no wonder that the latter writes: 'Mr. S. C. Hall must have strangely misunderstood or misheard what I said to him.'" Now, the very opposite to this took place; for, instead of my making the announcement to Mr. Edgell, it was that gentleman who told me that Hall had said so. He also said that he felt so much annoyed, that he had frequently thought of writing and publicly denying the statement. This I remember perfectly, as the rev. gentleman's candour and love of truth made a deep impression on my mind. I believe that the words that Mr. Edgell complained of were spoken by Hall about the time of the placing of the Memorial Window in the Protestant Church; but, as they were not published, I can find no record of them; but I do find a record that justifies what I wrote—namely, that Hall "implicitly" stated Moore had become a Protestant. That this is my statement is evident from my paper, pages 19 and 22. I think if the Canon will read *Thomas Moore: A Memory; by S. C. Hall*, he will find that I am not wrong in so stating. I do not pretend to be more Roman than Rome, nor more orthodox than the Very Rev. Canon; but to my lay mind there is no difference between the *liberal* Catholic Hall describes Moore to have been, as contrasted with the *Roman* Catholic which he was born and bred, and a Protestant. The Canon's lady correspondent would even lead one to believe Mr. and Mrs. Hall had occasion to deny that they "gave any cause for, or sanction to the statement that he had ceased to be a Catholic." My authority, therefore, for stating that Hall said something about Moore's

change of faith, is the Rev. Mr. Edgell, as, indeed, he is the only authority I could find for Moore having remained a Catholic. I went to the place where he lived for thirty years with the best possible intentions towards his memory, but failed to find the slightest evidence of his having been a Catholic other than the testimony of Mr. Edgell, which is contained in my interview with him, and his letter to me.

I must also beg leave to differ from the Very Rev. Canon, when he states that it was not generally supposed that Moore changed his faith. On the contrary, I think there was a very general impression that he had done so, and that, at all events, he had ceased to be a Catholic. Since my paper appeared in your January number I have had a great many complimentary letters from various correspondents, who congratulated me as setting at rest a subject which was a very painful one to the world-wide admirers of our national bard. One eminent divine, whose name I shall be very happy to give the Canon, thus writes to me :—" Strange to say, I investigated the matter some time ago, and came to the conclusion that Moore had become a Protestant, and I am very happy now to be able to change the opinion I had formed." I could give a good deal of similar testimony, but my kind critic will not need it. That someone did circulate the report which I have endeavoured to refute—that the Rev. Mr. Edgell told me that Mr. Hall did so, strangely misunderstanding what the rev. gentleman had told him ; that the writings of the latter insinuate as much ; that Moore was regarded as dying " priestless," as Canon O'Hanlon expresses it, that he got Protestant burial, that he has a religious memorial in a Protestant church ; and that he was, by repute, attended by a Protestant clergyman, are facts enough to lead people to believe he had given up the Catholic faith. That, nevertheless, he did not do so, is abundantly proved by Mr. Edgell's letter to me, and also by Canon O'Hanlon's article, which, I rejoice, I have been the means of eliciting. I venture to add my belief that Moore did not die as " priestless " as is supposed. The Canon shows he was preparing for the holy sacraments in some of his last, if not his last, lucid moments. He was even struck down by his efforts to prepare for them with that great care that caused such worry to penitents in times when taints of Jansenism were afflicting some Irish Catholics, and repelled them from the sacraments. Thus struck down, and manifestly in danger of dying, he was visited and seen

by a priest, who had come specially and by arrangement with the poet to administer the sacraments to him. It is my irresistible conclusion that the rev. gentleman administered such rites as were proper for the occasion, and that these rites reconciled him to God and the Church and prepared him for eternity.

I am, Rev. and dear Sir,

Yours very respectfully,

DANIEL AMBROSF.

*April 15th.*

P.S.—A letter, dated 9th April, 1895, which I have just received from the Rev. Mr. Edgell, enables me to fully maintain that Mr Hall did circulate the statement that Moore changed his religion, and that the rev. gentleman knew of Hall's statement, and of the report, before I had the honour of the interview I narrated in the January Number with him. I subjoin the letter as an up-to-date testimony on the matter in question. The italics are the Rev. Mr. Edgell's own. I wish to repeat, from a clear memory of the matter, and from notes taken at the time, that Mr. Edgell distinctly told me in the interview that Moore never attended his church; that he would sometimes accompany his wife to the door; and that, though invited to enter, he never would do so, saying that he could worship God in his own way in the open air as well as in his, Mr. Edgell's, church. If the statement, that Moore attended the Protestant services on the days specified in the letter published by Canon O'Hanlon, be not an accurate remembrance on the part of a man who must be now very old, the occasions must be when the Poet was an imbecile, and incapable of resisting the pressure of his wife, and, perhaps, also, the invitation of the Rev. Mr. Edgell.

BROMHAM RECTORY, CHIPPENHAM, *April 9th, 1895.*

MY DEAR SIR,—Canon O'Hanlon kindly sent me the two numbers of the I. E. RECORD containing his and your articles on Moore, which interested me much. That he lived and died true to his Church there can be no doubt; and there is not the *slightest* ground for Hall's statement to the contrary. Moore loved his Church, loved his country, was devoted to his wife and children (whatever Croker may have said or written), and was himself one of the most *lovable* men I ever knew. Hall knew from me that I had buried Moore in our churchyard, and so may have jumped at the conclusion that Moore had died a Protestant.

Hall may also have been told so by a friend of his named Lewis, the editor of a Bath paper, who published it as a fact on (so he stated) *my authority*. I can only repeat that I never told either Hall or Lewis any such thing, and that Moore *died as he lived a Catholic*. Excuse this scrawl, and believe me,

Yours very truly,

EDWARD B. EDGELL.

Dr. D. AMBROSE.

#### TRANSLATIONS OF DANTE

REV. DEAR SIR,—In an article on Dante, in current number of your Review, Fr. Mulcahy, treating of translations of the poet, says:—"Longfellow is smooth and diffuse, but without notes. . . ." It appears to me that each of those statements is without foundation. Each reader must judge for himself, if Longfellow's rendering is smooth. I would call it rugged. That it is not diffuse, is proved by the fact that each canto of the translation contains exactly the same number of lines as the original text. It is not "without notes." The notes are learned, voluminous, and, in my opinion, exhaustive.

I remain,

Faithfully yours,

April 13th, 1895.

ATQUE.

#### Notices of Books

ADAMNANI VITA S. COLUMBAE. Edited from Dr. Reeves's text, with an Introduction on Early Irish Church History, Notes and a Glossary, by J. T. Fowler, M.A., D.C.L., F.S.A., Lecturer in Hebrew, Librarian and Vice-Principal of Bishop Hatfield's Hall, in the University of Durham. Oxford, 1894. [Small octavo, pp. xciv. 201.]

ADAMNAN's *Life of St. Columba* is admitted to be the most valuable hagiographic work of the Early Irish Church. By rare good fortune, in the late Dr. Reeves the biography found an editor who, with the exceptions hereinafter mentioned, has illustrated it in a manner without parallel for excellence in literature of the kind. Especially commendable, moreover, in one of a different creed, is the absence of anything calculated to give

offence in dealing with the devotional topics that enter so largely into Lives of the Saints.

The little work named above is an abridgment of Reeves's, prefixed with "a brief sketch of the Irish Church and Columban mission down to the death of Adamnan" (p. viii.). As regards the recension, Reeves committed the grave error of "restoring" the (eighth century) accepted text, instead of giving the graphic forms of the MS. His book being intended principally for junior students, the present editor was, perhaps, justified in adopting the text of the first edition, and giving scarcely any variants. But to issue a reprint without collation with the Schaffhausen original, even to the meagre extent of numbering the folios and columns, is to trifle with workers at first hand. Worse still, in some places the readings of the standard codex have been discarded without the rejection being notified at foot. This portion may accordingly be dismissed with an emendation of a *vox nihili*. I. 30 is headed: *De Fechno Binc*. Reeves notes *binc* as obscure in the MS. It arose in the same way as Iona for Ioua—by writing *n* for *u*. The word is *biuc* (a prepositional case of *bec*), *small* (of stature).

Concerning the illustrative material, "by no means the whole" of the information was taken, we are told (p. viii.), from Reeves. Withal, cursory inspection reveals a lack of acquaintance with the literature of the subjects, all the more remarkable in an editor who is a librarian. For instance, "Mac Firbis's Annals" (p. 93) are not "now usually quoted as *Chronicon Scotorum*" (p. xcii.). They are the *Three Fragments of Irish Annals*, published, with O'Donovan's translation and notes, by the Irish Archæol. and Celtic Society, Dublin, 1860. The passages here quoted from them (pp. lxxxiv., 93) will be found in that edition (pp. 115, 97). The Stowe Missal and Shrine are "now," we learn (p. xcii.), "in the library of Ashburnham Place." Apparently, Dr. Fowler did not visit the library of the Royal Irish Academy during his visit to Ireland in 1893. Furthermore, the Stowe Missal, it is said (p. xx.), was drawn up in the "ninth or tenth century." But such a "master of his craft" as Mr. Whitley Stokes judged the older part to be of the eighth century (*Trans. R.I.A.*, xxvii. 172). The various dates, ranging from the seventh to the eleventh centuries, assigned at various times by Warren (from whom the textual opinion is taken without acknowledgment) are set forth with the reasons thereof by Dom Bäumer in his Essay on the

R.I.A. edition of the Missal (*Zeitschrift für Kath. Theol.*, Juli 1892), p. 453-4.

"Saints' days," we read, "are often on the third day after their death, the *deposition* or burial being in these cases commemorated rather than the *natalis* or birth day to the future life" (p. xlvii.). As regards this belated equation, we need but refer to our own pages (Ser. III., Vol. V., 766-7) for the original authorities proving that *depositio* and *natalis* were convertible terms, signifying (not *burial*, but) *death*, in ancient martyrologies.

Whether the work would have been appreciably improved by the editor's wider knowledge of authorities, is fairly open to doubt, judging from the use made of those he admittedly possessed. We select typical examples. *Ua Liathain* (p. 22) has a two-word annotation; *Columbanus, Fíius Echudi* (p. 119), none. Both are elucidated with lavish learning by Reeves (pp. 162, 172-3). "*Nepos Briuin* is in Irish *Ua Briuin*" (p. 97). Quite so; but for an explanation of *Ua Briuin* you will search in vain. O'Donovan's *Four Masters*, one of the "cited authorities," contains information ample and accurate respecting the name. But the marvel of the book is an addition to the *Wonders of Ireland*, arising from misapprehension of a lucid note in *Adamnan* (p. 209). St. Brendan's Monastery has "stolen away" from Birr, in King's County, to the Moyola Water, County Londonderry (p. 131)!

The most serious errors which Reeves fell into were connected with chronology, and the Irish Paschal system. We shall give one example of each, and show how it has been dealt with by Dr. Fowler. In a laboured note (p. 309-12), Reeves essays to prove that St. Columba died in 597, not 596. The result can be put to the test without entering into tedious detail. Baithene, the second abbot, ruled, he twice states, for three years; dying in 599 (p. 172) and 600 (p. 372)! Avoiding these contradictions, Dr. Fowler has "Baithene 597-600," and says the saint fainted by the altar on June 4, 600, and died on June 9 (p. lxxviii-ix.) But the original, not referred to in the second edition, but given with characteristic fairness in the first (p. 182), has to be reckoned with. The fainting took place on a Tuesday (*feria tertia*); the death, on [the 9th] the feast day of [Columba] his senior, *ferè post sex dies*. Now, in 600 (B.C.), Tuesday was (not the 4th, but) the 7th of June; between which and Thursday, the 9th, no ingenuity can compress more than a day. In 599 (D), on the other hand, Tuesday fell on the 2nd and 9th; giving the six-day

interval of the text, and assigning the respective obits of Baithene and Columba to 599 and 596.

We come now to the Irish Paschal system. Adamnan, it is conceded, died in 704. Bede, without giving the A.D., states he returned to his island, after celebrating the canonical Easter in Ireland, and by divine goodness was taken to eternal life before he should be obliged, on the return of Easter, to have more serious discord (*graviores discordiam*) with those who would not follow him in the truth (*II. E.*, v. 15). That is, the Irish and Roman Easters differed in 704, 705; but death prevented the open rupture that Iona would witness for the first time—the monks holding one Easter; the abbot, another—in the latter year. Having quoted the original, Reeves merely adds: "This was, according to the Irish Annals, in the year 704: in which the reformed Easter fell on the 30th of March" (p. lvii.) His silence respecting the unreformed Easter is too plain to be misunderstood.

Seven and thirty years pass by, bringing fresh and important accretions to Paschal literature. A new editor arises, and he disposes of the difficulties in this fashion: "He appears to have arrived after Easter in 704; and, as Bede points out, he was taken to his eternal rest before another Easter, and thereby delivered from any discord with the brethren on that subject" (p. lxxxiv.). Nothing of the canonical Easter; nothing of the more serious discord! *Eppur si muove*. But, in this instance, Bede did not set down mere hearsay statements. In his own monastery of Jarrow it was that the abbot of Iona had been won over to the Roman Paschal system, and he was in the flower of his age when Adamnan departed this life. Now, to show how research corroborates the father of English history: in 704, the Roman Easter was March 30 (moon 19); the Irish, April 20 (m. 16);<sup>1</sup> in 705, the Roman fell on April 19 (m. 20); the Irish, on April 12 (m. 18).

The new editor, notwithstanding, has no doubts respecting the Irish Paschal controversy. "The time of the year in which the vernal equinox fell was a matter of astronomical calculation, and depended on what 'cycle' was adopted" (p. xlv.). *Mirus calculandi*

<sup>1</sup>The previous date, March 23 (m. 18), of this year fell before the earliest Easter day, March 25.

In the Victorian Cycle, the two years had the same lunar and Paschal incidence as in the Alexandrine (Ed. Mommsen, *Chronica Minora*, Berolini, 1892, I. 698.9.)

*preceptor*. The received doctrine has it that the vernal equinox, as the name implies, fell and falls in Spring, and that the use of a "cycle" was and is to adjust the lunar to the solar months.

"In 463 Rome adopted a new cycle of 532 years;" which the Irish resisted in favour of the 84-year cycle "with a vehemence altogether inconsistent with the alleged saying of St. Patrick . . . that the Irish should sing *kyrie eleeson*, that they might be indeed Roman, or with any such dependence on Rome, as might have been inferred had St. Patrick really [*sic*] sought consecration and mission from the Pope." The Roman Easter, in fact, was not accepted by the Celtic Church until 716 (*ib.*). A welcome addition to the known cycles is this of 463. But, alas! we are not told where it is to be seen in print or manuscript. The omission is the more unfortunate, as the discoverer has scarcely made good the claim to have his *ipse dixit* accepted on controverted questions.

In default of the information here indicated, the following statement is of interest. The Paschal Letter of Cummián "is valuable as showing the position taken up by the advocates of that more correct calculation of Easter which at last prevailed" (p. lxxix.). Here, at last, though, as in the previous case, no reference is supplied, we find ourselves on firm ground. The Letter is the eleventh in the *Sylloge Epistolarum* of Ussher. The second sentence opens thus: *For I, in the first year in which the cycle of 532 years began to be celebrated by ours, received [it] not but kept silent.* And towards the end of the Letter, this cycle of 532 is (rightly) attributed to Victorius. Well, the Letter was written most probably A.D. 632, just a century after the initial year of the five 19-year cycles of Dionysius Exiguus, the principle of which, it is well known, prevailed thenceforward down to the reformation of the Calendar in 1582. So that "the position taken up" by Cummián was quite as indefensible as that which he opposed with such a parade of learning!

With respect to Liturgy, important terms were misunderstood in the first edition. No error of the kind has been rectified in the second. For instance, assuming (note on i. 44) that *frangere panem* signified to celebrate Mass (rather than to break the Bread for Communion), Reeves states that sometimes two or probably more priests acted as concelebrants. This Dr. Fowler formulates as follows: "Concelebration might be practised by two (or more?) priests" (p. xliii.). Yet, in the Stowe Missal, he had under his hand what the first editor never saw: *Cum omnibus*



. . . *offerentibus* . . . *sacerdotibus*, *offeret senior noster*, N., *presbyter* [not : *offerunt seniores nostri*, NN., *presbyteri*].

Finally, in painful contrast with the studied impartiality and tolerant tone of the first edition, the book, it will have been observed, has been made the vehicle of religious polemic. The animus and importance of the innovation appear in the extract already given. An example relative to another subject equally exhibits the same qualities. There is no trace, we are confidently told (p. 41), of confession being held to be necessary before celebration. But we find (i. 49) that once, hearing a priest saying Mass, St. Columba said the undefiled mysteries were being performed by a defiled man, who was concealing some great crime in his conscience. Whereupon he was compelled to publicly confess his sin. Wilful blindness alone could fail to perceive herein that confession was held to be necessary before celebration in the case of one who had fallen into grievous sin.

Some works there are (Harris's *Ware*, for instance) in which the introduction of controversial topics is to some extent counter-vailed by the excellence of the other contents. This sorry plea will not avail here. Inferior beyond comparison in text and notes to the edition of Reeves, evading or failing to solve questions ripe for solution, the *brochure* presents no palliation for its gratuitous misrepresentation of the doctrine and practice of the Early Irish Church.

B. M. C.

LIFE OF ST. PATRICK. By Muirchu Maccu Mactheni.  
Translated and Edited by Rev. Albert Barry, C.S.S.R.

WE welcome the above Translation, as we welcome anything that may throw light on, or awaken interest in the neglected history of our Church. The Translation, occupying some seventy pages in paper-wrapper, is fairly done, and will be of use to those who do not know Latin. The annotations of the Translation are not faultless; for some of them, as those on St. Patrick's birth-place, are the merest jargon.

The booklet contains a single and singular appendix on the "Chronology of St. Patrick." The Table beginning his life in the year 378, and ending it in 463, marks it off by seven epochs—404, 410, 418, 432, 433.

Now, as the *Confession* of our saint leads us to believe he was forty-five years when coming on the Irish Mission, he could not have been born in 378. And even though he was born in that

year, our translator should not have made him die *in his 75th year in the year 463*! For  $378 + 75 = 453$ .

Though stated to be born in 378, and only fifteen years when made captive, St. Patrick is made captive by the translator in the year 404!

Though the *Book of Armagh* states that our saint was thirty years old when going to Auxerre, the translator assigns departure thither to the year 418, making him then forty years old.

The Appendix confines the missionary life of the saint between 439 and 463; but the oldest and every copy of the MS. appealed to for this gives, without erasure, sixty missionary years. Furthermore, our saint sent a priest, whom he had trained from his *infancy*, to demand from Coroticus the Irish captives detained in slavery. Now, as thirty years was the canonical age for ordination, this occurrence must have happened not long before the year 463; yet, it was many years subsequent to this and to his fiery excommunication against Coroticus that St. Patrick, in extreme old age, wrote his *Confession*, and, therefore, did not die in 463. Father Barry is not clear or correct in his remarks on the tragic end of Coroticus. The *Life* states that this wicked prince disappeared from the sight of his friends, "suddenly taking the shape of *illico vel ficuli*." The translator adds that these words italicized are unmeaning. Yes, but it is his fault. The word *illico*, which he italicizes, is in the original "*ilico*" and means "suddenly;" and the *vel ficuli* is a corruption of *velpecula*, a fox. This could have been seen in a note by the editor of the original Latin, or in *Probus' Life*, or in the *Irish Tripartite* which mentions a fox (*sinnaigh*).

The learned translator unsatisfactorily accounts for "the extraordinary" story of the tyrant's metamorphosis by saying that St. Patrick prophetically alluded to the fleeting character of this world and its votaries. But the monstrous change was deemed the *usual* effect of excommunication. An opinion prevailed during the middle ages that those hunted from society by excommunication, and handed over to Satan, were changed into dreadful beasts, roaming at large and attacking all whom they met. While the excommunicated British Coroticus was in popular story changed into a fox, those excommunicated on the Continent were said to be generally changed into wolves—*loup garrous*. For an interesting account of these monsters the Bollandists may be consulted. (AA. SS. t. 2, p. 508, n. a.)

The readers of the Translation have reason to complain that Father Barry has occasionally reproduced the original Latin as part of the English translation. Thus, the birth place of St. Patrick is given in the original Latin. His course was to have given the name of the place as known at present; or if it did not exist really under that form to have restored the proper reading, as in the above instance of *vel ficuli*. But telling the English reader that the birth place was in the *vicus Bannavem thabur indecha*, and that this was *ventre*, is only playing the game of Fi Fa Fum. M.

#### COMMON ERRORS IN PRONUNCIATION. Dublin: Duffy & Co.

THIS is one of the cleverest and freshest little books we have come across for a long time. Though dealing with the dry and uninviting subject of pronunciation, it is more pleasant reading than many a novel. The author, who chooses to hide his identity under the title of "A Professor of English," takes for his motto Horace's "*Ridentem dicere verum quid vetat*;" and while entertaining and amusing the reader on every page, he manages at the same time to literally cram the little book with practical and suggestive hints on English pronunciation. The work is intended chiefly for Irish readers, and deals mainly with Irish peculiarities in pronouncing English. The reader, no matter, from which of the four provinces he may hail, will here find his provincial barbarisms of pronunciation presented in a telling way not likely to be soon forgotten, and he must be a very standard of accurate pronunciation if, on examining his conscience in the light of this little book, he do not find something to amend. Numerous and typical examples of various errors are given, and Northmen, in particular, will find something specially interesting to them in Chapter XIV.

We can sincerely commend this little book. It deals with a subject which is interesting and practical for us all, and in which it is natural, as it is true, that Irishmen are deficient. If it is generally the case that

"The flowering moments of the mind,  
Lose half their petals in our speech,"

there is a special reason why it should be so in Ireland, where the foreign tongue has had to struggle through centuries for ascendancy over the language of our forefathers. In such a struggle it was inevitable that the purity of English, especially of

English pronunciation, should suffer. But, if we are to continue to speak English, it is, surely, time to try and speak it correctly. The work before us will be found to be a very important aid to what is one of the most essential elements of correct speaking—correct pronunciation. Costing only a shilling, and containing only seventy pages, it is within the reach of all, and may be read in a couple of hours. We heartily wish it a wide circulation.

J. M. R.

**THE POPE AND THE PEOPLE.** Select Letters and Addresses on Social Questions, by His Holiness, Leo XIII. Edited by Rev. W. H. Eyre, S.J. London: Art and Book Co., 22, Paternoster-row.

OUR Holy Father Leo XIII. ever mindful of the paternal charge given him from above, has frequently addressed to the Catholic world instructions on the chief duties of Christians. There are few to whom the wonderful fertility of his vigorous intellect has not extended its influence. He has ever watched over the people with true paternal care. His constant aim it has been to nourish them with good doctrinal food, and preserve them from all poisonous error. This he has done in many ways, but especially through his Encyclical Letters addressed to them at frequent intervals.

It has been Father Eyre's purpose in editing this little volume, to provide for the people an easy means of gaining access to those letters of our Holy Father, that teach their duties in the affairs of every-day life, such as the Encyclical Letters on: "The Condition of the Working Classes," "The Chief Duties of Christians as Citizens," "Christian Marriage," "Modern Errors, Socialism, Communism, Nihilism." Nearly all the translations contained in the volume have been already in existence. The editor has introduced only a few approved verbal changes.

Father Eyre deserves all praise for his useful work. The Publishers, too, deserve congratulations on the neatness of the volume. Were it a little cheaper much good would be done to society, as then the working classes could easily procure copies, and gain from the instructive pages many useful lessons on the duties of a Christian people.

J. M. H.

# THE IRISH ECCLESIASTICAL RECORD

JUNE, 1895

## THE DEVOTION TOWARDS THE BLESSED EUCCHARIST<sup>1</sup>

**T**HE humble priest who writes these pages has no pretensions whatever to frame in his own style and composition an article worthy to be read and appreciated by his brother priests. Of this he declares himself utterly incapable; his only wish and aim is—(1st) to glorify Jesus in the Most Holy Sacrament; (2nd), to edify his brethren; and (3rd), especially, to extend more and more throughout the length and breadth of Ireland, the devotion towards our Divine Lord present on our altars. Therefore, this long article will chiefly contain translations, quotations, and statements. Facts speak better than words, and “*exempla trahunt*.” It will be enough to show to Ireland the Sacred Host, adored, glorified, triumphantly celebrated in Eucharistic conventions, and the Island of Saints will startle with joy. Clergy and people, animated with a holy emulation, will fall on their knees, and show by their adorations, and in every other way, that Ireland’s faith and devotion still surpasses that of other nations, who, in this matter, give us such a splendid example.

### I.—CONGREGATION OF THE MOST HOLY SACRAMENT

Since the beginning of the present century, especially for the past thirty years, we witness a sort of revival of Catholic

<sup>1</sup>1. *The Congregation of the Most Holy Sacrament.* 2. *The Priests' Eucharistic League.* 3. *Eucharistic Congresses.*

faith and piety, manifesting itself chiefly in a more and more characterized movement towards the Adorable Sacrament of the Altar. In spite of all the efforts of impiety to root religion out of souls, the Church has seen spring up and develop in her bosom during this period a great number of works and institutions having more or less for their immediate and exclusive end the glorification of the real presence of our Lord Jesus Christ in the Holy Eucharist.

Among these institutions the Congregation of the Most Holy Sacrament occupies a place more and more conspicuous, which grows in importance with the rapid extension of Eucharistic devotion, and with the repeated blessings and encouragements of the Holy See. The Congregation of the Most Holy Sacrament was founded in Paris in the year 1856 by Pere Pierre Julien Eymard, of venerated memory. Already, in the year 1859, his Holiness Pius IX. granted to the venerated founder a Brief in which he congratulated him "on having received the approbation of several bishops," and praised the opportuneness of this work, which had for its aim "the increase and encouragement (above all in France) of the adoration and worship of the Holy Eucharist."

Six years after its foundation, in 1863, the same Sovereign Pontiff deigned to canonically approve the Institute as a Congregation of simple perpetual vows; and, in 1875, he signed the first decree approving its constitutions. Besides, the Mother House in Paris (27, Avenue Friedland), the Congregation has houses in Marseilles, Rome, Brussels, Montreal (Canada), and at present the German priest-adorers, full of admiration for the good Fathers of the Blessed Sacrament, and very desirous of having them in Germany, have already gathered a large sum of money by their own voluntary contributions for the establishment of a house of that Congregation on German soil.

On the beginning of the Constitutions we read the following words of the venerable Founder:—"La suprême raison d'être de l'institut consiste tout entière à former et à donner à Jésus Christ notre Dieu et notre Seigneur, présent nuit et jour dans l'Eucharistie pour l'amour des hommes, de vrais et perpétuels adorateurs et de généreux zélateurs de sa

gloire et de son amour, afin que par ce double moyen le Seigneur Jésus reçoive, au Sacrement, des adorations ininterrompues, et soit glorifié socialement dans le monde entier." The two means, or rather the two orders of means employed to attain this end are—first, the perpetual exposition of the august Sacrament adored night and day; and, secondly, the eucharistic apostolate under all its forms.

## II.—THE PRIESTS' EUCHARISTIC LEAGUE

In order to advance the eucharistic reign of our Divine Lord, Père Eymard resolved to put all classes of society under the direct influence of this "Sun of justice" and love. Three works, having divers means and objects, were the durable result of his apostolate. (1) Through the Work of the First Communion of poor Adults, he leads to our Blessed Lord those destitute of the goods of this world, to fill their *hungry* souls *with good things*. (2) Through the Aggregation or Association of Lay-Adorers, he gathers the faithful sheep closer around the *Good Shepherd*, and like a second John the Baptist, he says to them "*Ecce Agnus Dei*" "*medius autem vestrum stat quem vos nescitis*." (3) "The priests! the priests!" exclaimed one day the good father, with an accent of singular emotion, "I would leave everything for the priests." From the very origin of his Congregation Father Eymard inscribed among the first works of zeal of the Society of the Most Holy Sacrament, that of receiving into his sanctuaries of adoration priests desirous of spending a few days of retreat at the feet of their Divine Master.

But that was not enough. He remembered that every priest is the guardian of a tabernacle, the born-servant of the Eucharistic Lord ("*Ordinis Sacramentum*," says St. Thomas, "*ad Sacramentum Eucharistia Ordinatur, quod est Sacramentum Sacramentorum*"). He said that the Blessed Eucharist must become the centre of their thoughts, the object of their works: they will have at their disposal the most efficacious means for the conversion and sanctification of their people; they will find in the Eucharistic Jesus a friend in their solitude, an invincible strength in their combats; their virtue unceasingly renewed at this

inexhaustible source of grace, will produce most abundant fruits, our Lord will speak and act through them, and they will be the instruments of his desires and works. The powers of their soul will be redoubled. To realize this Père Eymard conceived the idea of banding together into one vast association all the priests of the world. This Eucharistic League, which numbers now thirty-four thousand priest-adorers, forms a magnificent and permanent body-guard around the eucharistic throne of the King of kings.

The following eloquent passage quoted from the *American Ecclesiastical Review*, gives us a clear idea of the nature and aim of the Priests' Eucharistic League:—

“The Philistines of old had put their army in battle array against Israel. At the first onset the Israelites were defeated; yet they hoped for victory, saying: ‘Let us fetch unto us the Ark of the Covenant of the Lord, from Silo, and let it come in the midst of us, that it may save us from the hand of our enemies. So the people sent to Silo, and they brought from thence the Ark of the Covenant; and the two sons of Heli, Ophni and Phinees, were with the Ark. And when the Ark was come into the camp, all Israel shouted with a great shout. And the Philistines hearing the shout, and understanding that the Ark of the Covenant was come into the camp, were afraid, saying: God is come into the camp. And sighing, they said: Woe to us; who shall deliver us?’ The Philistines fought, and Israel was overthrown. Why was Israel overthrown, even though the Ark of the Covenant, the pledge of God’s presence with the people, was in their midst, in charge of the priests? May we not justly look for the reason in these words of the Bible: ‘The sons of Heli were . . . not knowing the Lord, nor the office of the priests to the people . . . They withdrew men from the sacrifice of the Lord’ (1 Kings ii. 12, 13, 17.) What the Ark of the Covenant was to the Israelites, the Blessed Eucharist is, in a more eminent degree, to the Christian. In it lies the strength as well as the grandeur of the cause for which we, as members of the Church militant stand in defence. Yet, victory is not assured unless the ‘sons of Heli,’ the anointed priests of the Lord, unite to fulfil with knowledge and love ‘the office of the priests to the people.’

“It is, then, to bring into our camp the infallible means of victory against the enemies of God’s chosen host, that the “Priests’ Eucharistic League” has been established. Through it the two-fold discipline of love and vigilance is fostered, and the soldiers of Christ’s army support one another in their perfect conformity to the movements of their royal Leader.

“The saintly Father Julian Eymard, prompted by his love for



the Blessed Sacrament, conceived the fruitful idea of forming a congregation of priests whose exclusive duty would be to serve as a permanent bodyguard, and kindle devotion to their Eucharistic Lord. Desirous, moreover, to draw the entire secular clergy into permanent and close co-operation with his noble Legion, he established the Eucharistic League of Priests who were to give a practical answer to our common divine Master's invitation to watch with Him in His struggle against the powers of darkness, by devoting a fixed hour to adoration before the Blessed Sacrament once a-week. Of this latter union Pope Pius IX. said: 'This idea comes from heaven. I am convinced that the Church stands in need of it. All means should be employed to spread the knowledge of the Holy Eucharist.' 'Can I not watch with my Lord present in the tabernacle one hour out of one hundred and sixty-eight hours of every week?' This question numerous clerics throughout the world have been induced to ask themselves since the day (16th of June, 1887), when the Priests' Eucharistic League was canonically erected at Rome by his Eminence Cardinal Parocchi, Vicar-General of his Holiness Leo XIII. Up to the date of the first American Eucharistic Convention at Notre Dame, Indiana, on the 7th and 8th days of August, 1894, 30,000 priests throughout the Catholic world have answered courageously and earnestly, 'I can, and I will watch one hour every week with my Eucharistic Lord.' As members of the Eucharistic League, they are keeping watchful company with their Divine Friend at the foot of His altar. While thus fulfilling the ardent desire of His Sacred Heart, they are making use of a most efficacious means to preserve and increase their knowledge of God, and of God's truths, to persevere and grow in the virtues that are indispensable to their sublime office and dignity, to strengthen themselves against the attack of the hereditary enemy of souls. The continuous intercourse, during the hour of adoration, with Him 'who is the true light which enlighteneth every man that cometh into this world,' cannot fail to enlighten more and more the mind and intellect, and to warm the heart of the priest. It will greatly fructify the personal efforts within the range of his sacred studies, to which a true priest feels it necessary to devote himself. Deeply penetrated with the light of Christ's real presence in the Eucharist, shed upon him during the hour of the weekly watch, how could he, each morning ascend the altar otherwise than with a full sense of his tremendous responsibility, with purity of heart and intention? This same light is a warning to him against fatal lukewarmness and indifference so easily acquired in his daily dealings with the Most Holy of Holies. A better knowledge of the Lord must produce a better imitation of Him. Christ in the Eucharist is not only the light and the truth, He is also the way and the life. Christ demands from His followers incessant prayer,

as He Himself had spent, during His earthly life, whole nights in prayer. The life of our hidden Lord in the Holy Eucharist serves us as a model of uninterrupted prayer. At that little gate of the tabernacle the priest will never cry in vain: 'Lord, teach me to pray; grant me always the true spirit of prayer.' Our age is alarmingly materialistic, fostering a spirit of inordinate liberty and independence, it blindly aspires to shake off the yoke of law and authority. How shall we priests better learn the necessary detachment from material riches and enjoyments, than by listening to the silent admonitions of Him, who in this life was the greatest lover of poverty, not having where to lay His head, and who in His Eucharistic life lovingly divests Himself of all outward greatness and splendour? Where can we priests more easily and thoroughly acquire solid humility, ready and cheerful submission to lawful authority, than here at the foot of the altar where our meek, humble, and obedient Lord preaches these virtues continually in the Eucharist? And how shall we more surely deserve the crowning grace to abide in the knowledge and love of God till life's last hour, and to fight the last good fight, when the attacks of our soul's enemies will be most fierce, than by often abiding whole hours in adoration and prayer before the sacred tabernacle? Ophni and Phinees, the priests of old, 'were not knowing the Lord,' and in the hour of battle derived no help and safety from the Ark of the Covenant, either for themselves or for their people.

"The next aim of our Eucharistic League is the direct and inevitable sequence of the first. Whilst awakening in the priests the true spirit of adoration, our League aims at the same time at making them zealous apostles of the divine Eucharist, who glory in working by all available means to enkindle in the people a great faith and devotion toward the Most Holy Sacrament, and thus to sanctify their flocks by making accessible to them the numberless graces which flow from this source of all virtue and holiness. The priest must not only personally know and love his God, but he must make Him known and loved by others. This is the meaning of his priestly office to the people. A solid and practical devotion to the Holy Eucharist cannot but inspire the priest with the right zest in all his sacerdotal functions for the benefit of his people. When in administering baptism he clothes the soul of a child with the garment of sanctifying grace, his mind anticipates the thought of how the soul of that Christian child must ever be guarded, which is one day to enshrine its Eucharistic Lord in Holy Communion. Hence, all his wishes and labours, all his admonitions, instructions and prayers are directed to this great and noble end in order that a genuine Catholic atmosphere may pervade the family circle where the child is reared, and that it may enjoy the inestimable blessing of a solid Catholic teaching and training in a good parochial school

—a blessing which can only in rare cases be supplied by any other system of education. A faithful member of the Priests' Eucharistic League must needs grow in his solicitude and love for the parochial school, since such a school affords the best opportunity and a powerful help in the Apostleship of the Eucharist. Daily assistance of Catholic children at Holy Mass is a chief concomitant blessing of our parochial schools, and this frequent intercourse, in their early years, with the Eucharistic Jesus, the Divine Friend of children, and their daily participation in the fruits of the Sacrifice of the Mass, may be made productive of the happiest results in later life.

"Again, what a boon is the Holy Eucharist for the priest when, seated in the sacred tribunal of penance, he is exercising his office to the people. During many weary hours he is consoled and cheered by the thought that there is dwelling next to him, in the tabernacle, Christ his Lord, for whom he holds the wonderful charge and power to forgive sins, for whom he is cleansing and preparing a worthy abode in the hearts of sinners, and who, from His Eucharistic Throne, sends light and help to the priest, and grace and pardon to the penitent.

"Love of the Blessed Sacrament teaches us, moreover, to profit by the time employed in carrying the Holy Viaticum. It renders insignificant to us any hardship and fatigue suffered in the duty of preparing the sick and dying for the last struggle.

"The faithful member of the Priests' Eucharistic League endeavours in his hour of adoration to obtain an abundance of faith, hope, love, and devotion to the most Blessed Sacrament, in order that out of his heart's abundance his mouth may speak to the people in sermon and catechetical instruction. He will teach and urge young and old, in season and out of season, to know and appreciate our greatest treasure, to offer to their Eucharistic Lord the frequent homage of praise and adoration, of thanksgiving, atonement, and reparation; to have recourse to Him in all their wants and needs; to come as often as possible to the Sacrifice of Mass; to nourish their souls frequently in worthy Holy Communion. St. Francis Solanus, the great missionary in South America, preached with such holy unction as to cause loud sobbing among his hearers, touching the most hardened sinners, who, after the sermon, prostrated themselves at the feet of the saint to confess their sins. When asked whence he obtained the points for his sermon, and the manner of explaining them, he gave the beautiful answer: 'I get them in a corner of the sanctuary before the most Blessed Sacrament. God Himself, the most perfect of preachers, suggests them to me.' It is thus that, in fostering great personal devotion to the Holy Eucharist, our League is powerfully aiding the priest to understand better, and to fulfil more sacredly, his office to the people. Ophni and Phinees of old were, 'not knowing the office of the priests to the people,' they

withdrew men from the sacrifice of the Lord; and thus priests and people failed to be saved by the Ark of the Covenant from the most terrible disaster in their war against the Philistines.

"After our Lord had instituted the Holy Eucharist, He prayed at once to His heavenly Father that those whom He had ordained His first priests might remain united. 'Holy Father, keep them in Thy Name, whom Thou hast given Me, that they may be one as We also are.' No less now than at the Last Supper, it is Christ's wish and prayer that there may be a holy union among His priests. To bring about the fulfilment of this desire of our Lord, is a further aim of the Priest's Eucharistic League. It endeavours to unite all the associates by the closest bonds of true brotherhood, so that all may live in the same spirit, assist one another by the example of faith and love toward our Lord in the Holy Eucharist. All mutually participate in the prayers, merits, and good works of thousands of their brother priests, bound together in this League throughout all parts of the earth. How encouraging and consoling for each member of our League is the thought that every week his own private wants and necessities, his own petitions and intentions, are recommended to the loving heart of our God in the tabernacle by the other associates during their hour of adoration! Thus aided and seconded, our individual adorations and prayers, breathed in the solitude of the sanctuary, are wafted, as it were, in a strong chorus to the throne of the Triune God and irresistibly urged upon His divine mercy. And this cheering consolation extends beyond our grave, since, by a rule of the League, each member offers up once every year the Holy Sacrifice for the deceased associates.

"Where there is union, there is strength. United we stand, divided we fall. If the priests of a diocese, or of a country, are united in their brotherhood, discarding all animosities to which poor, frail human nature so easily falls a prey, their labours for the kingdom of God and the salvation of souls will be blessed by Him who has pledged His word: 'Where there are two or three gathered together in My Name, there am I in the midst of them.' (Matt. xviii. 20.) We, priests of the United States of America, have special reason to hail with satisfaction this union of the Eucharistic League. For this League absolutely waives all distinction of birthplace and language, of nationality and custom. It is eminently Catholic, worthy of the Church of Christ, which embraces all nations, all peoples and tongues—the Church whose welfare and growth none should have so much at heart, as we, its guardians and representatives. The enemies of Christ band together to destroy His Holy Church, His Kingdom on earth. The war is raging more fiercely from day to day. Lucifer once had the audacity to tempt our Lord, showing Him from a very high mountain all the kingdoms of the world and the glory of them, and saying to Him: 'All these will I give Thee, if

falling down Thou wilt adore me.' (Matt. iv. 9.) This Lucifer, by Christ defeated, has now succeeded in having his altars erected, and finds his duped followers prostrate before him. It is from these ranks that issues forth that diabolical hatred and fury against Christ and His Church, which dare rob from the tabernacles of our churches, or buy for money from sacriligious communicants, consecrated hosts, to offer them on the altars of the chief of demons, or outrage them by abominations which would be wholly incredible if they were not well attested. Who, then, would not wish that the Priests' Eucharistic League might rapidly spread over all the dioceses of our land, and prove an effective means to unite us priests in loving friendship and true brotherhood? It is by such union alone that we can hope to counteract successfully the unity of the Masonic sect, which Leo XIII. in his last Encyclical truly styled a formidable power, because it has long oppressed all nations, especially Catholic nations, and it spares no pains to assert its authority and extend its dominion everywhere.

"It belongs to us to atone for the outrages perpetrated by the Luciferians against our Lord in the consecrated Host. We are destined to labour for the more speedy triumph of the Church by influencing the Sacred Heart of Jesus through the combined supplications of thousands of priests prostrate at the feet of the Lord in the Most Blessed Sacrament.

"If we thus unite in the Eucharistic League in order to pray and labour with courage and perseverance, to know and love our Lord more and more, to know fully and fulfil conscientiously the office of our sacred ministry to the people, to draw the people to the Holy Eucharist, to the sacrifice of Mass—then we may safely predict the final issue of the battle. The fate of the war of old shall be reversed. Victory will cleave to the standard of Israel, not to that of the Philistines. Satan, with his demons, and with all the enemies of God's Church, will be overthrown. Christ, our dearest Lord, will reign and triumph! 'Sic non poutistis *una hora vigilare mecum?*'" (Matt. xxvi. 40.)

Although it is not yet three years since the Reverend Director-General has introduced the Association of Priest-Adorers, or the Eucharistic League in Ireland, and although it is but very little known, he has received warm letters of approbation from their Eminences Cardinals Logue and Vaughan, and from several other bishops. He has the pleasure of seeing it progressing favourably, helped on by the generous efforts and untiring zeal of fervent priest-adorers. Our first census exceeds the number of that of several other countries. For instance, the first census of the

American Priest-Adorers shows fifty-eight priests. In the first census of Ireland we find one bishop, and up to seventy priests.

EPISCOPAL APPROBATIONS.

ARA COELI, ARMAGH.

I believe that an association to increase the devotion of priests to the Blessed Sacrament would be fruitful in spiritual blessings to the priests themselves and the people committed to their care.

I, therefore, wish the Association every blessing and success.

✠ MICHAEL CARD. LOGUE.

*Armagh, 12th July, 1893.*

ARCHBISHOP'S HOUSE,  
WESTMINSTER, S.W.

Whatever tends to promote genuine devotion to the Blessed Sacrament is to be recommended. The more intense the devotion of priests, the more fervent and the more frequent their visits to the Blessed Sacrament, the more general and the more fervent will become the devotion and the visits of the faithful to our Lord in this sacrament of His love. I, therefore, gladly and heartily approve and recommend the Sacerdotal Aggregation of the Congregation of the Most Holy Sacrament, which was canonically established in Rome, January 16th, 1887, by the Cardinal Vicar.

✠ HERBERT, *Cardinal,*  
*Archbishop of Westminster.*

*April 15th, 1893.*

As I am sincerely anxious to encourage devotion to the most Holy Sacrament among priests and people, I heartily approve and recommend the Sacerdotal Aggregation to the Congregation of the Most Holy Sacrament.

✠ T. A. O'CALLAGHAN,  
*Bishop of Cork.*

*May 20th, 1893.*

TASMANIA.

I have much pleasure in adding my approbation to many others in favour of the Association of Priest-Adorers, and I pray God to bless it with all the favours it so richly deserves.

✠ DANIEL MURPHY,  
*Archbishop of Hobart.*

*August 28th, 1892.*

BISHOP'S HOUSE,  
JOHN'S HILL, WATERFORD.

MY DEAR FATHER SPIESER,—Anything that promotes the priest's devotion to the Most Holy Sacrament cannot fail to be productive of blessings both to himself and to his people. I therefore willingly approve of the introduction of this Association of Priest-Adorers into the diocese of Waterford and Lismore.

Faithfully yours,

14th May, 1894.

✠ R. A. SHEEHAN.

QUEENSTOWN.

DEAR FR. SPIESER,—I thank you for giving me an opportunity of adding my name to the members of the admirable Association of Priest-Adorers of the Most Holy Sacrament.

I rejoice to know that one of the priests of this diocese has helped to make known to his brothers on the Irish Mission the existence and advantages of this Association through the pages of the *I. E. RECORD*;<sup>1</sup> and it would give me still more joy to learn that the priests generally of this diocese of Cloyne joined the Association for their own satisfaction to secure more light in the guidance of their penitents and people, and for the greater honour of our Blessed Lord in the Holy Sacrament. I trust that none of us, priests of Cloyne, will lie open to the piteous reproach of our Lord, "You would not watch with Me for one hour," even in a whole week, for this is all your Association requires of its members.

I remain,

Dear Fr. Spieser,

Yours faithfully in Christ,

25th September, 1894.

✠ ROBERT BROWNE.

The following letter of Very Rev. Canon Keller, P.P., V.G., Youghal, shows how the reverend clergy of the diocese of Cloyne follow the noble example of their pious bishop, and what they think of the Eucharistic League:—

YOUGHAL, 8th October, 1894.

DEAR REVEREND FATHER,—Please accept my best thanks for your letter of the 4th inst., and for the notices you have been good enough to send me.

I am grateful to you for your amicable invitation that I should become a member of the admirable Association of Priest-Adorers, of which you are the local Director.

I most cordially accept the invitation, and I engage to do what lies in my power to augment the number of "Adorers."

It is particularly gratifying to read the words of Apostolic zeal

<sup>1</sup> See *I. E. RECORD* of July, 1894. ("Prêtres Adorateurs.")

addressed to you by our beloved bishop. I hope you will obtain his Lordship's sanction to publish those touching and appropriate words, for the edification of many whose attention will be thereby directed to the great work in which you are engaged, and who, I earnestly trust, will be induced to swell the numbers of those who keep watch and ward before the August Prisoner of love in our tabernacles.

During this month I shall daily pray to our Lady of the Holy Rosary, that she may draw after her a large number of Priest-Adorers to Him who is the mainstay of our life, our light, our strength, and our consolation.

When Irish priests everywhere crowd into your Association, then we may expect great fruit of personal sanctification for ourselves and of sacerdotal zeal for our devoted people. *Prospere, procede*, my dear Rev. Father! Push on your glorious work for the honour of the hidden God and the good of souls. I shall help you all I can in becoming a recruiting sergeant for what I hope will in time become a great army of Priest-Adorers in the Irish Church.

I am, dear Rev. Father,

Yours most cordially in Christ,

D. KELLER, P.P.

*(To be continued on Eucharistic Congresses the next time.)*

N.B.—The Director-General of the Eucharistic League in Ireland, and the whole United Kingdom, is the Rev. Charles Spieser, S.A.M., St. Joseph's Apostolic College, Wilton, Cork. He is most desirous of enrolling as many members as he can. Only secular priests, deacons and sub-deacons can be inscribed. Regular priests are also admitted with the permission of their superiors, and on condition that they pay the yearly subscription, two shillings.

The weekly hour of Adoration must be one entire and continuous hour. The day and hour are left to the choice of the Associates who can vary them each week. They must not perform during this hour of Adoration any other duty from another cause obligatory. Needless to say that the Association is endowed with rich indulgences.

A stamped envelope addressed to the Director-General will bring all information. The Annals are published every month in French, Italian, Spanish, German, English, and Polish. They contain always a subject of Adoration for the hour of Adoration:

CHARLES SPIESER, S.A.M.,

*Director-General.*



## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### VI. BEQUESTS IN FAVOUR OF RELIGIOUS ORDERS OF MEN

**I**N a former paper, attention was called to the important principle, that bequests for purposes contrary to the policy of the law, or otherwise illegal, cannot be recognised as legally charitable, or even upheld as valid.

Throughout the United Kingdom, bequests in favour of our Religious Orders of men are brought under the operation of this principle by virtue of a number of prohibitory and penal sections of the Act of 1829 (10 Geo. IV., cap. 7), commonly known as the Act of Catholic Emancipation.

It can hardly be necessary to mention here that, in that Statute, a number of stringent penal provisions were enacted, having for their object the extinction of those Orders in the United Kingdom. Referring to "Jesuits, and members of other religious orders, communities, or societies of the Church of Rome, bound by monastic or religious vows," within the United Kingdom, the Act recited that it was "expedient to make provision for the gradual suppression and final prohibition of the same therein." Members of all such Orders, resident within the United Kingdom at the time of the passing of the Act, were to be registered in a prescribed form, and, on being registered, were to be at liberty to remain. But it was made a misdemeanor to admit any new member to any of those Orders within the United Kingdom. Within the same limit, it was made a misdemeanor for anyone to become a member of any such Order. The penalty to be inflicted in this latter case was banishment from the United Kingdom for life. The same penalty was to be inflicted upon any member of any such Order coming into the realm from abroad. Thus the gradual extinction of those Orders within the United

Kingdom seemed to be effectively provided for, in so far as legal provisions could be effective in such a case.

When the terms of the proposed Emancipation Act became known, in the early part of the Session of 1829, the clauses framed for the suppression of the Religious Orders gave rise to much anxiety. O'Connell, apparently regarding these clauses in reference only to their bearing upon their direct object, the suppression of the Orders, attached but little importance to them. He saw that, as a matter of practical politics, they could not in this respect be anything but a dead letter.

In several of O'Connell's letters published in Mr. Fitzpatrick's interesting collection,<sup>1</sup> we find references to this subject. In one letter, he says:—"I will stake my existence that I will run a coach-and-six three times told through this Act."<sup>2</sup> In another, he says:—"The clause against the Catholic Bishops taking a denomination by diocese . . . is one of the most foolish and most abortive clauses ever invented. The clause against the Monastic Orders is equally so; I would ride a troop of horse three times through it. You will observe that no person belonging to these Orders can be prosecuted before a magistrate, or by any private person. The prosecution must be in the Court of Exchequer only, and by the Attorney-General alone."<sup>3</sup>

The following<sup>4</sup> is worth transcribing at length:—

[*Confidential.*]

19, BURY-STREET, ST. JAMES'S,

18th March, 1829.

REV. AND DEAR SIR,—I am standing counsel for the friars, so that you owe me no apology, nor any thanks, for attending to any affair of yours. My fee is paid by one moment of recollection of me occasionally in the Holy Sacrifice.

I have the happiness to tell you the proposed law is one which has been well described by the celebrated jurist Bentham in one word, *unexecutable*—that is, that can never be executed. This

<sup>1</sup> *Correspondence of Daniel O'Connell.* Edited by W. J. Fitzpatrick : London, 1888.

<sup>2</sup> *Correspondence.* vol. i., p. 174.

<sup>3</sup> *Ibid.*, p. 177.

<sup>4</sup> *Ibid.*, p. 179.

is literally one of those laws. It is insolent enough in its pretensions. It will be, and must be, totally inefficient in practice; for these reasons:—

1st. There is no power at all given to magistrates to interfere in this subject; nor any jurisdiction whatsoever given to magistrates in that respect.

2ndly. No private person can prosecute any friar or monk; nobody can do it but the Attorney-General, so that you are thus free from private malice.

3rdly. The person prosecuted—that is, if any friar or monk be prosecuted—is not bound to disclose anything, or to say one word, but simply to allow his attorney to say *nil debet* to the information.

Thus, you see, nobody will be obliged to accuse himself. This will put the prosecutor on his proofs.

Now, fourthly, the prosecutor will have nobody to prove his case, because, mark, there is a penalty on all persons assisting at the taking of the vows; therefore, if any of these persons be examined as witnesses, they can, with perfect safety, object to give evidence, and totally refuse lest they should convict themselves.

Thus you see that it is almost impossible any prosecution should be instituted at all; and it is quite impossible that any prosecution should be successful.

Besides, the existing class of friars are all legalised . . . Go on with your building and prosper. Be so good as to put down my name for £50. I will give it to you when I arrive in Cork.

Regretting I cannot afford to give more, I have, &c.,

DANIEL O'CONNELL.

To the REV. W. A. O'MEARA, O.S.F.

In one important respect, O'Connell's hopeful anticipations were fully realised. In so far as those penal clauses were aimed at the existence of the religious Orders in these countries, they utterly failed in their effect. From the time of its enactment, the Act has been, in this respect, simply a dead letter.

But, nevertheless, in a direction apparently left out of account at the time of their enactment, the operation of these clauses has been most injurious. For, in so far as they are framed for the purpose of suppressing the religious Orders, they render the continued existence of those Orders illegal. Therefore, they render all bequests

in furtherance of the interests of those Orders absolutely void.

I. The first case in which a question arose as to the effect of the Act of 1829 upon bequests to members of religious Orders was that of *Carbery v. Cox*.<sup>1</sup> This case came before the Irish Court of Chancery in 1852. The will in question in the case contained a number of bequests for charitable and religious purposes. The validity of three of those bequests was disputed.

Two of the disputed bequests were legacies of "£20 yearly" to "the monks of Shandon, near Dungarvan"—these were Christian Brothers—"to provide clothing for the poor children attending their school."

These two bequests were upheld by the Lord Chancellor (Blackburne) as valid, and as charitable. They were not, he said, bequests in favour of the monks. They were in favour of the poor children<sup>2</sup> attending a certain school, to provide those children with clothing,—a valid charitable purpose. The monks were named in the will, and the school was spoken of as "their" school. But all this made no difference in the case. "The monks of Shandon" were mentioned, but only as the persons whom the testator wished to entrust with the execution of his charitable purpose; and the words sufficiently identified the persons whom he wished to designate. Again, the school was described as "their school," that is to say, the school conducted by the persons designated in the will: these words identified the school which the testator had in view, and

<sup>1</sup> Ir. Ch. Rep. 231.

<sup>2</sup>The report of the case in the *Irish Chancery Reports* is, in several respects, inadequate. For instance, the two bequests to the "monks of Shandon" are stated in the report in very different terms: one is described as a bequest "to the monks of Shandon . . . to provide clothing for the poor children attending their school," the other simply as a bequest "to the monks of Shandon."

On reference to the will, I find that the latter bequest contains, in addition, the important words, "for the purposes hereinbefore mentioned," that is to say, it is a bequest for the plainly charitable purpose of providing clothing for the poor children attending the school.

thus they sufficiently identified the children in whose favour the charitable trust of the will was to be executed.

Inasmuch, however, as no such body as "the monks of Shandon" had any legal existence, these words, "the monks of Shandon," occurring in the will, could designate only those individuals who were monks of Shandon at the date of testator's death. The annuity bequeathed for the charitable purpose of providing clothing for the children attending their school would be paid to those individuals as long as they lived, and to the last survivor of them. But, on the death of the last survivor, the provision made by the testator for the execution of the trust would be held to have failed: the law could not recognise "the monks of Shandon" as a continuing body. Moreover, indeed, there would no longer be any school answering the description in the will—"their" school. These words could no longer be applicable when "they"—that is to say, all the persons designated in the will—had died.

All this was stated in the Lord Chancellor's judgment, as follows :—

"I see no difficulty in paying . . . to any of the persons who at testator's death were members of this body, the annuities for the charitable purposes mentioned. Who those . . . members were, and whether now alive or not, I must make matter of inquiry.

"As soon as those persons have all died, there will be no one to execute the trust,—indeed, there will no longer be a school answering the description in the will,—but the charitable intention will not then have ceased . . .

"I must, therefore, ascertain who were the individuals described as the 'monks of Shandon' at the time of the testator's death,—direct payment of the annuity to them, and refer it to the Master to approve of a scheme<sup>1</sup> and trustees for the administration of the charity, to take effect on the death of the survivor of them."<sup>2</sup>

The third bequest, the validity of which was disputed in this case of *Carbery v. Cox*, is described in the report of the case, in the "Irish Chancery Reports," as a bequest of

<sup>1</sup> See I. E. RECORD, February, 1895, page 111.

<sup>2</sup> 3 Ir. Ch. Rep. 231, 235.

£20 yearly,—after the death of a certain friend of the testator, to whom it was bequeathed for life,—to the monks of Mount Melleray, “to be appropriated for the improvement of the chapel of Melleray.”<sup>1</sup>

This bequest was set aside as invalid. The grounds of the decision, as we find them stated in the report, seem somewhat peculiar. It had been ascertained that the Very Rev. Michael Vincent Ryan, who was abbot of the Monastery at the time of the testator's death, had died, and had been succeeded by the Very Rev. Mathew Joseph Ryan. The Lord Chancellor, having stated this, went on to say:—

“I cannot recognise any right in his successor, neither can I discover any general charitable purpose that can authorise the Court in directing a scheme.

“The case, therefore, seems to me to be one in which there is but one particular object; and, as that cannot be answered, the residuary legatee must take.”

It is not easy to see how the death of the abbot—a person who, so far as the law was concerned, was neither named in the will nor in any way referred to in it,—could have interfered with the validity of the bequest. The bequest was, not to the abbot, but to “the monks,” of Mount Melleray. In such a case, according to the line followed in later decisions,—and, indeed, followed in the decision upon the previous portion of this very case,<sup>2</sup>—the bequest, if valid at all, would have been valid during the life-time, not merely of the abbot, but of all those who were “monks of Melleray” at the time of the testator's death.

There is another curious point, and, apparently, by no means an unimportant one, connected with the decision in this case. This judgment is sometimes quoted as having decided that, although the maintenance of a place of worship is, in itself, a charitable purpose, this is not so in the case of a chapel annexed to a monastery in this country,

<sup>1</sup> 3 Ir. Ch. Rep. 231, 232.

<sup>2</sup> See *ante*, pages 496, 497.

and that a bequest for the maintenance of such a chapel is not only not charitable, but invalid.<sup>1</sup>

But the judgment, as reported, seems far from bearing out this view. The Lord Chancellor did not set the bequest aside on the ground that it was for the maintenance of a chapel annexed to a monastery. The one ground assigned in his judgment is that the previous abbot of the Monastery had died, and that the Court could recognise no right in his successor.

It seems quite obvious that this bequest to "the monks of Mount Melleray," for "the improvement of the chapel of Melleray,"<sup>2</sup> was not at all set aside by the Court on the general ground that a bequest towards the improvement of a chapel attached to a monastic institute is invalid. Rightly or wrongly, it was set aside on the one special ground that the person who was abbot of the Monastery at the time of the testator's death had died,—the bequest being somehow regarded by the Court as having thereby "lapsed."

It may be useful to observe that, although the sections of the Emancipation Act providing for the suppression of the religious Orders were relied upon by Counsel in the argument in this case,<sup>3</sup> the point does not appear to have been distinctly raised, that a bequest in favour of one of those Orders would be invalid on the score of the Order being, in consequence of those provisions, an illegal body. Certainly, nothing to that effect appears in the judgment.

<sup>1</sup> See Hamilton, *The Law relating to Charities in Ireland*. Second Edition (Dublin, 1881), page 23.

<sup>2</sup> It is another instance (see page 496, footnote 2) of the inadequacy of the report of this case in the "Irish Chancery Reports," that the bequest described as above in the statement of the case in the Reports, was in reality a bequest, not merely "for the improvement of the chapel of Melleray," but for the improvement also "*of the lands belonging thereto.*"

The additional words of the bequest, which I have now quoted, were not overlooked by the Lord Chancellor. They will be found quoted in his judgment. But he does not seem to have treated them as in any way affecting either the validity of the bequest or its charitable character.

<sup>3</sup> 3 Ir. Ch. Rep. 233.

The sections of the Act of 1829 seem to have been relied upon by Counsel merely in proof of their contention that "the existence of monks, as a body, was not *recognised* by law."<sup>1</sup> To this extent, the judgment of the Lord Chancellor also was based on the provisions of that Act. But, as far as appears from the report, the further point, that the Order was an illegal body, and that all bequests in its favour should therefore be held void,—a point afterwards distinctly raised in the case of *Sims v. Quinlan*,<sup>2</sup>—does not seem to have been relied upon, or even suggested, as affecting the validity of any of the three bequests that were before the Court in this earlier case.

II. The next case in which the question of the validity of a bequest to monks came before the Irish Courts was that of *Hogan v. Byrne*.<sup>3</sup> This case was decided in the Court of Common Pleas on the 29th of April, 1862, the judgment of the Court, which was unanimous, being delivered by Chief Justice Monahan.

The question arose upon the will of the Rev. Martin Cody, Parish Priest of Rathdowney, which contained the following clause :—

"I will my house and garden, out-office, lawn, to monks named 'Christian Brothers.'"

The gift was set aside as invalid.

As the Chief Justice pointed out, such a bequest could not be a valid gift to the entire body of the Christian Brothers, as a body :—

"In order to vest property from time to time in the varying members of an order, so as to pass from the existing to the future members, [the body] should have a corporate capacity;<sup>4</sup> and, accordingly, it cannot for one moment be contended,—if the true construction of this devise be one to the monks as an order,—that it can have any legal operation."<sup>5</sup>

Counsel, to keep clear of the difficulty arising from such

<sup>1</sup> 3 Ir. Ch. Rep. 234.

<sup>2</sup> See pages 502-508.

<sup>3</sup> 13 Ir. Com. Law Rep. 166.

<sup>4</sup> See page 502, footnote 2.

<sup>5</sup> 13 Ir. Com. Law Rep. 171.



a construction of the gift, had argued that it was to be regarded as a gift to the members of the Order, as individuals, and not in their collective capacity as members of the body.

As to this, the Chief Justice pointed out that the construction thus suggested involved other difficulties, equally fatal to the validity of the gift. It had, he pointed out, been shown in evidence, that there were, at the time, "forty-two establishments" of those Brothers, "with the average number of three to seven members in each." If, then, he said, the gift was to be regarded as a gift to a number of monks in their individual capacity, it would clearly be invalid. For it should either (1) be taken as a gift to the monks of some particular establishment or establishments,—in which case it would be void for "uncertainty,"<sup>1</sup> there being nothing in the will to single out any one of their establishments from the rest,—or (2) it should be taken as a gift to all the individual Christian Brothers of the forty-two establishments, without exception. As to this latter construction of the will, which would vest the house and garden in some two hundred persons for their individual use and benefit, the Chief Justice said:—

"This we think so inconsistent with the nature of the property [a priest's house and garden], and the situation and circumstances of the [two hundred] members of this Order, that we think we would be acting altogether contrary to the intention of the testator if we were so to hold.

"We entertain no doubt that what the testator intended was that the property should vest in the Order as such, bound by the rules of the Order as stated in the evidence, and that it never was the intention of the testator that any individual of the Order should have any personal benefit therefrom; . . . we consider we are bound to hold such to be the construction of the will; and therefore [to hold] that same is void."<sup>2</sup>

Here also, as has already been noted in reference to the earlier case of *Carbery v. Cox*,<sup>3</sup> it may be observed that the judgment apparently did not in any way rest upon the point that a bequest in favour of a religious Order should be held

<sup>1</sup> See I. E. RECORD, February, 1895, pages 115, 116.

<sup>2</sup> 13 Ir. Com. Law Rep. 172.

<sup>3</sup> See *ante*, pages 499, 500.

void on the score of its being a bequest in favour of an illegal body. The Report, indeed, seems to indicate that this point was raised by Counsel.<sup>1</sup> But no reference to the point appears in the judgment, which simply affirms the legal impossibility of property being vested "in the varying members of a body," such as a religious Order, "so as to pass from the existing to the future members," when the body in question is not recognised by the law and endowed by it with a "corporate capacity."<sup>2</sup>

By way of illustration of this point of his judgment, the Chief Justice quoted a passage from Lord Coke,<sup>3</sup> in which it is laid down that property could not be vested in "the parishioners," or in "the churchwardens," of a parish.<sup>4</sup> It will be observed that in neither of those cases is there question of an illegal body, the defect in both cases being merely the absence of the special legal recognition requisite for the endowing of a number of individuals with "corporate" capacity.

III. Next comes the important case of *Sims v. Quinlan*.<sup>5</sup> The decision in this case seems to have been the first in which a bequest in favour of a religious Order of men was

<sup>1</sup> 13 Ir. Com. Law Rep. 168.

<sup>2</sup> "Bodies corporate . . . are artificial persons created by the law, and endowed by it with the capacity of perpetual succession. . . .

"With regard to holding estates or other property, if land be granted for the purposes of religion or learning, to twenty individuals not incorporated, there is no legal way of continuing the property to any other persons for the same purposes, but by endless conveyances from one to another as often as the [hands] are changed.

"But when such grantees are consolidated and united into a corporation, *they and their successors* are then considered as *one person* in law . . . The estates and possessions of the corporation, when once vested therein, will remain for ever vested, without any new conveyance to new successors. For, all the individual members that have existed from the foundation to the present time, or that shall ever after exist, are *but one person* in law, a person that *never dies*; in like manner as the River Thames is still the same river, though the parts which compose it are changing every instant." STEPHEN, [*Blackstone's*] *Commentaries on the Laws of England*, Book 4, part 3, chapter 1.

<sup>3</sup> "The parishioners, or inhabitants, or *prohi homines*, of Dale, or the churchwardens, are not capable to purchase lands." (Co. Litt. 3, a).

<sup>4</sup> 13 Ir. Com. Law Rep. 171.

<sup>5</sup> 16 Ir. Ch. Rep. 191; and, on appeal, 17 Ir. Ch. Rep. 43

set aside distinctly on the ground that it was a bequest in favour of a body proscribed by law.<sup>1</sup>

The disputed bequests in the case were the following two :—

“I bequeath £500 to the Rev. Robert White and the Rev. Bartholomew Thomas Russell, of St. Saviour’s Roman Catholic Church, Dublin, . . . to be applied, as they shall deem best, for the maintenance and education of two priests of the Order of St. Dominick in Ireland.

“I bequeath £500 to the Rev. Patrick Thomas Conway, of St. Mary’s Priory, Cork, Roman Catholic clergyman.”

The three clergymen named were members of the Dominican Order in Ireland; and the churches named are public churches, attached to houses of the Dominican Order.

The case was brought, in the first instance, before the Master of the Rolls (Smith). It was argued on the 30th and 31st of May, 1864, and judgment was given on the 3rd of the following November.

In the judgment of the Master of the Rolls, both bequests were held to be invalid, but the two were somewhat differently dealt with.

The first bequest—for the maintenance and education of two priests of the Dominican Order—was held by the Master of the Rolls to be invalid, on the ground that it was contrary to the policy<sup>2</sup> of the Act of 1829. He furthermore held that such a bequest was not expressly invalidated by any provision of the Statute; and from this he inferred that it could be applied *cy-près*,<sup>3</sup> to some suitable charitable purpose.

As to these various points, the terms of the judgment were as follows :—

“There is no provision in the Statute of the 10 Geo. IV., cap. 7, making a bequest in favour of persons bound by monastic

<sup>1</sup> See *ante*, page 493.

<sup>2</sup> 16 Ir. Ch. Rep. 200.

<sup>3</sup> 16 Ir. Ch. Rep. 207. On *cy-près* applications of charitable bequests, see I. E. RECORD, February, 1895, pages 111-121.

vows void . . . If a bequest is void under the express provision of a Statute, it will not be carried out *cy-près* . . .

"When there is [an otherwise] charitable bequest, which is invalid as being contrary to the policy of the law, the bequest is applied *cy-près* . . . The question then arises: Is the bequest to the Rev. R. White and the Rev. B. T. Russell a charitable bequest? I apprehend that a bequest for the benefit of ministers of any denomination of Christians is a charitable bequest<sup>1</sup> . . . I am of opinion that, being contrary to the policy of the law, the bequest is to be carried out *cy-près*. . . .

"In this case . . . the bequest . . . might, on the reasonable application of the *cy-près* doctrine, be applied to the maintenance and education of two secular priests."<sup>2</sup>

The bequest of £500 to the Rev. P. T. Conway—as to the application of which no direction of any kind was contained in the will,—was also set aside as invalid.

The ground of the decision in this case was that the bequest was coupled with a "secret trust" for an illegal purpose. The testator had stated to Fr. Conway that he had bequeathed, or would bequeath, to him the sum of £500, and that the sum so bequeathed was to be applied towards the redemption of the rent of the Dominican Church in Cork.<sup>3</sup> Thus a "secret trust" was created.

In reference to "secret trusts," it may be well to point out that it always is dangerous to have recourse to such expedients in connection with testamentary dispositions of property, except when it is done under thoroughly competent legal advice.

The decisions in reference to "secret trusts" are numerous, and they turn upon legal distinctions of some nicety. The law can always compel the disclosure of such trusts. In certain cases, the trust, when disclosed, will be set aside as legally of no effect. In other cases, the trust will be recognised by the law, and the execution of it will be enforced. In others, the trust will be recognised,

<sup>1</sup> See I. E. RECORD, March, 1895, pages 221, 222.

<sup>2</sup> 16 Ir. Ch. Rep. 203, 207, 208, 210, 213, 214. See also Tyssen *On Charitable Bequests*, Chapter 5, "On Gifts for Superstitious Purposes."

<sup>3</sup> 16 Ir. Ch. Rep. 211, 212.

but will have the effect of rendering altogether void the bequest to which it refers.<sup>1</sup>

In Fr. Conway's case, the affidavit which it was necessary for him to lodge in Court showed that the trust in favour of the Dominican Church had been disclosed to him by the testator in conversation, and had been tacitly, if not expressly, accepted by him. This was a case which the Court should deal with exactly as if the trust had been declared in the will itself. Hence, if the trust was for an illegal purpose, it made void the bequest to which it was attached.<sup>2</sup>

The Master of the Rolls said in his judgment:—

"I am of opinion that the bequest to the Rev. P. T. Conway was invalid, as contrary to the policy of the 10 Geo. IV., cap. 7.

"The Church belongs to the Order of Dominican Monks, bound together by monastic vows; . . . the trust is for the redemption of the rent of their church.

"The fact that the Roman Catholic inhabitants may be permitted to attend the church cannot vary the question."<sup>3</sup>

Whilst holding that this bequest, in consequence of its annexed trust for the redemption of the rent of a Dominican church, was invalid, the Master of the Rolls did not consider that the trust contravened any express provision of the Act of 1829. As in the case of the bequest for the maintenance and education of two Dominican priests, he held this bequest also to be invalid on the ground only that it was contrary to the policy of that Statute. Nevertheless he did not hold, in this case, as he held in the former one,<sup>4</sup> that the bequest could be applied *cy-près*.

As to this particular section of the case,—the non-applicability of the *cy-près* principle,—the judgment is somewhat wanting in clearness. The point would seem to be that, as the bequest for the improvement of the Chapel

<sup>1</sup> See Lewin, *The Law of Trusts* (9th Edition), pages 56-65; Tudor, *The Law of Charities and Mortmain* (3rd Edition), page 55; Tyssen, *Charitable Bequests*, Chapter 59, "On Attempted Evasions of the Georgian Mortmain Act;" Lilly and Wallis, *Manual of the Law specially affecting Catholics*, pages 148, 149.

<sup>2</sup> See page 514.

<sup>3</sup> 16 Ir. Ch. Rep. 211, 213, 214.

<sup>4</sup> See *ante*, pages 503, 504.

of Mount Melleray was held, in *Carbery v. Cox*,<sup>1</sup> to be invalid, and incapable of *cy-près* application, the same rule should hold good in case of a bequest for the redemption of the rent of the Dominican Church in Cork. In both cases, the Master of the Rolls seems to have said, there was but one definite object mentioned, and, there being no indication of a general charitable intent, no case arose for the application of the *cy-près* principle.<sup>2</sup>

Thus the effect of the judgment in the Rolls Court was (1) to declare the bequest for the maintenance and education of two Dominican priests, invalid, but capable of being applied *cy-près* ; and (2) to declare the bequest for the redemption of the rent of the Dominican Church in Cork, invalid, and, moreover, not capable of any *cy-près* application.

The decision of the Master of the Rolls was at once appealed against, and, on the 22nd and 23rd of November in the same year, the case was argued in the Court of Appeal in Chancery, the Judges of which were the Lord Chancellor (Brady) and the Lord Justice of Appeal (Blackburne).<sup>3</sup>

The judgment of the Court of Appeal in Chancery was delivered on the 23rd of January, 1865. It upheld the decision of the Master of the Rolls as to the invalidity of both the bequests, but it reversed that portion of his decision in which he held that the bequest for the maintenance and education of two Dominican priests could be applied *cy-près* to some legally charitable purpose. Thus both bequests were absolutely set aside, and the sums in question went to the residuary legatee.

The bequest for the maintenance and education of Dominican priests was declared by the Lord Chancellor to be void, not merely as being against the policy of the Act of 1829, but by the direct operation of that Statute.

<sup>1</sup> 3 Ir. Ch. Rep. 235.

<sup>2</sup> See I. E. RECORD, February, 1895, pages 111-114.

<sup>3</sup> 17 Ir. Ch. Rep. 43.

Having recited the provisions of the Act bearing upon the religious Orders, the Lord Chancellor said :—

“ All these provisions declare the Acts in contravention of this Statute to be misdemeanors, and prescribe for them the punishment of banishment or transportation.

“ We have now to consider what is the character of a bequest . . . the effect of which would be to prepare a man for the commission of the highest class of misdemeanor known to the law, and to maintain him in the commission of it? What is the character of a bequest which would have the effect, I may say, of flying in the face of the Act of Parliament, or enabling a person to fly in its face, and to commit and be maintained in the commission of their misdemeanor?

“ It is said there is no provision directly invalidating such bequests. No doubt there is not, in words. But the question is : Is there not in substance and effect? When a new misdemeanor . . . is created by Statute, all that is necessary to give effect to the provisions of the Statute is supplied by the Common Law. In *Bacon's Abridgment*, tit. *Statute* (B), we read : ‘ Wherever a power is given by a Statute, everything necessary to the making of it effectual is given by implication, for the maxim is, *Quando lex aliquid concedit, concedere videtur et id per quod devenitur ad illud*.

“ Any person aiding and abetting another to commit a misdemeanor, becomes himself a principal, and is liable to indictment. Is not, then, . . . a bequest, which is intended to operate for the purpose of enabling a person to commit a misdemeanor, within the provisions and scope of the Act by which that misdemeanor is created, and, as such, prohibited as the crime itself?

“ In my opinion, this is not a question of the *policy* of the law; the matter is cut short *in limine* by the operation of this Act, and we have absolutely nothing to do with the question of charitable bequests, or the *cy-près* doctrines by which they are carried out.”<sup>1</sup>

As to whether the bequest, if it were invalid only as being against the policy of the law, could therefore be carried out *cy-près*, the Lord Chancellor abstained from expressing an opinion. He merely said :—

“ We possibly may admit that the decision of the Master of the Rolls on this part of the case<sup>2</sup> was right; but he seems to

<sup>1</sup> 17 Ir. Ch. Rep. 49, 50.

<sup>2</sup> See *ante*, pages 503, 504

have taken for granted far too easily that such bequests were not directly prohibited by any Act of Parliament.

"In my opinion, they are within the prohibition of the Statute; they involve the commission of misdemeanors; and on these grounds this bequest we are now considering must be held to be totally void by the express operation and effect of this Act."<sup>1</sup>

The Lord Justice of Appeal took the same view :—

"It is utterly impossible to read these prohibitions and penal provisions, and this bequest for the education of future members of one of those Orders, without coming to the conclusion that it tends, necessarily and inevitably, to the practical result of perpetuating the institution prohibited . . .

"That purpose, the Act says, is illegal. The testator says: 'My intention is to accomplish that purpose, and violate the law.' This is the sole, the exclusive, object of the bequest; and, I think, there is no authority in this Court, or power in the Crown, by the application of the *cy-près* doctrine, to substitute any other for it."<sup>2</sup>

As to the second bequest—towards the redemption of the rent of the Dominican church in Cork,—both Judges briefly expressed their concurrence in the decision of the Master of the Rolls.<sup>3</sup> The bequest was invalid; there was but one specified object; that object having failed, the case was not one for the application of the *cy-près* principle.

IV. In June, 1865, a case, *Walsh v. Walsh*,<sup>4</sup> in which there was a bequest in favour of a Religious Order, came before the Vice-Chancellor (Chatterton). In this case, there was a bequest "of £30 sterling, to . . . Rev. Mr. Simon Hore, for the use of the Franciscan Convent of Wexford."

The questions that had to be decided by the Court in this case had reference to various points in the construction of the will. No attempt seems to have been made by Counsel to uphold the validity of the bequest to the Franciscans of Wexford. The decision in *Sims v. Quinlan*<sup>5</sup>

<sup>1</sup> 17 Ir. Ch. Rep. 50.

<sup>2</sup> 17 Ir. Ch. Rep. 52, 53.

<sup>3</sup> See *ante*, page 505.

<sup>4</sup> I. R. 4. Eq. 396.

<sup>5</sup> See *ante*, pages 506-508.



was accepted as deciding the invalidity of any such bequest.

As to this point, the Vice-Chancellor simply said:—

“With respect to the bequest of £30 for the use of the Franciscan Convent, it is clearly void; and I shall make a declaration to that effect.”<sup>1</sup>

V. In a work to which frequent reference has been made in the course of these papers, a case involving the validity of a bequest to the Christian Brothers is mentioned as having been decided by Sir Edward Sullivan in 1869:—

“In 1869, in a case which came before Sullivan, M.R., it was decided that a bequest made to a ‘Christian Brother’ Institution in Ireland was void as contrary to the policy of the law, because ‘Christian Brothers’ were liable to be indicted for being in Ireland.”<sup>2</sup>

The case is an “unreported” one. I have failed to find any further trace of it.<sup>3</sup>

VI. In January, 1881, another case, *Heron v. Donnelan*, in which the Christian Brothers were concerned, came before the Court. This case, like the preceding one, is “unreported.” It was decided by the Vice-Chancellor.

The terms of the bequest were as follows:—

“I also bequeath two shares more in the National Bank to be added to the eight shares already given for the support of the Christian Brothers in the town [Ballinrobe], and on the same conditions as I have given the eight shares before.”

This bequest, notwithstanding the words, “for the support of the Christian Brothers,” was upheld as valid.

The reference made by the testator to the conditions of a former gift,—“on the same conditions as I have given the eight shares before,”—is explained by the terms of a deed that was brought into Court in the course of the case.

<sup>1</sup> I. R. 4 Eq. 400.

<sup>2</sup> Hamilton. *The Law relating to Charities in Ireland*. (Second Edition) page 100.

<sup>3</sup> The date given in the work from which I have taken the reference is manifestly wrong: Sir E. Sullivan was appointed Master of the Rolls in January, 1870.

These are referred to in the following extract from the Schedule to the Vice-Chancellor's Order:—

“The testator directed [the two National Bank shares] to be added to eight shares stated by him to have been previously transferred, and upon the same conditions as he had previously given the same.

“The conditions are contained in a certain deed, dated 12th June, 1877, executed by him to Most Rev. J. MacHale, Very Rev. James Canon Ronayne, and testator, and are vested in them *for the maintenance of the Christian Brothers Schools in Ballinrobe.*”

This fixed the purpose of the bequest in the will. It was a bequest in trust to certain Christian Brothers, for the unquestionably charitable purpose of maintaining a Christian Brothers' School. The case was thus brought into line with that of the bequests to “the Monks of Shandon,” in the earlier case of *Carbery v. Cox*.<sup>1</sup>

VII. The next case, also, is one that came before the Vice-Chancellor. This was the case of *Kehoe v. Wilson*,<sup>2</sup> to which reference has already been made in connection with the subject of Bequests for Masses.<sup>3</sup> It was decided in 1888.

The will in this case contained the following bequest:—

“To the Rev. Philip Kehoe, or the Superior for the time being of the Franciscan Order, Merchant's-quay, the sum of £500, to be by him expended in the maintenance or repair of the Roman Catholic Church of Adam and Eve, Merchant's-quay, or in acquiring the fee of the ground whereon said chapel is built.”

There were similar bequests in reference to a number of other churches then being built, enlarged, repaired, or in some way improved, in Dublin. The churches named were the following:—“The Roman Catholic Chapel of Porterstown,” in the parish of Blanchardstown; “the new Roman Catholic Church at Church-street;” “the new Roman Catholic Church of St. Joseph's, Berkeley-street;” “the new Roman Catholic Church, John-street;” “the

<sup>1</sup> See *ante*, pages 496, 497.

<sup>2</sup> 7 L. R. Ir. 10.

<sup>3</sup> See I. E. RECORD, May, 1895, pages 412, 413.

Roman Catholic Church of SS. Michael and John, Lower Exchange-street."

Of these churches, one will be recognised as the Church of the Capuchins, another as that of the Augustinians. No question was raised as to the validity of any of the bequests affecting churches, except in three cases,—the two now mentioned, and that of the bequest in aid of the building of the Franciscan Church, the terms of which have already been transcribed.

Against the validity of these three bequests, it was argued that they should be regarded, not as bequests in aid of the erection or maintenance of public churches, but as bequests in favour of the religious Orders to whose houses the churches were attached. The bequests relieved those Orders from expenditure which they would otherwise have to make out of their own funds. Therefore, it was argued, the Orders were the real objects of the bequests.

This view was adopted by the Vice-Chancellor in his decision :—

"If the legacies had not been given, these monks would have had to provide the money for the chapels out of their own funds.

"The principal objects are the monks of those Orders, though the public are meant to worship in these chapels."<sup>1</sup>

The three bequests were therefore set aside as invalid.

It may be noted that the Vice-Chancellor, in his judgment in this case, relied strongly upon the decision in *Carbery v. Cox*,<sup>2</sup> in which a bequest for the maintenance of the chapel at Mount Melleray was held void. I have already suggested some reasons<sup>3</sup> for seriously questioning whether that bequest was set aside on any ground that would be applicable in a case such as this. In *Carbery v. Cox*, as reported, there is no indication whatever that the bequest was held void on the ground of its being a bequest for the maintenance of a place of worship attached to a monastic institution. On the contrary, everything seems to show that

<sup>1</sup> 7 L. R. Ir. 17.

<sup>2</sup> See *ante*, pages 497-498.

<sup>3</sup> See *ante*, pages 498, 499.

the validity of the bequest, on that score, was not treated as even open to question. That bequest was set aside, not because its purpose was not a charitable purpose, nor because it was a bequest for an illegal purpose, but because the former abbot of the Monastery had died, and the Court did not recognise his successor as having any legal rights in the case. In the case of *Kehoe v. Wilson*, no such point arose; the three clergymen named in the will were still living.

In reference to these bequests in *Kehoe v. Wilson*, a further point suggests itself for consideration. The objects on which the legacies were to be expended were, in themselves, undoubtedly charitable objects,—the building, or the maintenance and keeping in repair, of three public churches.<sup>1</sup> Let it be granted that the cost of building and maintaining those churches would, as a matter of fact, have been borne by the three religious communities in question, if funds for those purposes were not otherwise provided. As regards the building, indeed, the assumption is, to a large extent, a groundless one. But let the assumption be made. The question remains, How can all this be supposed to make the bequests illegal, or to deprive them of their otherwise charitable character?

Take the maintenance of one of those churches. Is this a charge which the religious community is under any legal obligation to bear? Assuredly not. If, indeed, the community was under any legal obligation to maintain the church, a bequest providing funds towards enabling the community to discharge that obligation should necessarily be regarded as a bequest in favour of the community. But is it quite clear that the same view of the case should be taken when the charge in question is a charge voluntarily undertaken by the community, a charge which the community is under no legal obligation to continue to bear, and of which the community could at any time free itself, if it chose to do so, either by handing the church over to some other priests, or by simply shutting it up, and letting it go to ruin?

<sup>1</sup> See I. E. RECORD, March, 1895, pages 221, 222.

As regards the bequests in aid of the building of the new churches, the same considerations apply, except in so far as the community may have legally bound itself under contract to pay for the building. But, even in that case, is it not at least possible that bequests such as were made in this will,—£500, in each case, with the addition, in each case, of one-sixth of the residue of the testator's property, possibly a very substantial residue,—would be expended, not in meeting the liability already contracted, but in carrying out some additional works, whether of construction or of ornament, which, for want of funds, might not otherwise have been undertaken at all? Certainly there was nothing in the will to hinder the legacies from being so applied, or to impose upon the legatee any obligation of applying them to the benefit of the Community by applying them merely in discharge of a debt already incurred.

The will, no doubt, left it open to the clergyman named in the will to apply the legacy in this way to the benefit of the community. Possibly, in the circumstances of the case, it may have been very likely, or even quite certain, that he would so apply it. But could this affect the case? A decision given by the Master of the Rolls, in a case, *Bradshaw v. Jackman*, that yet remains to be noticed,<sup>1</sup> plainly affirms the principle that no such estimate as to what is possible or probable,—or even as to what will, as a matter of fact, be done,—can be regarded by a Court as attaching to a bequest the character of a bequest in favour of a religious community, when the application of the bequest in some way tending to benefit the community is not imposed as a matter of obligation in the will.

Now, in this case of *Kehoe v. Wilson*, it clearly was left open to the persons named in the bequests to apply the legacies to purposes that would not release the communities from any legal liabilities, or so confer any benefit upon them. The words of the Master of the Rolls, in *Bradshaw v. Jackman*, seem almost directly applicable to this case:—

“In the case of the gift with which we are dealing, it is most probable that the Rev. Mr. Jackman [a member of a religious

<sup>1</sup>See pages 518, 519.

Order, to whom a large sum of money, a bequest for Masses, was left in a will] will cause [the money to be given to members of his own Order], and that *the legacy will in fact benefit that Order.*

"But *there is nothing in the will to make this compulsory*, and I accordingly decide that the bequest to the Rev. Mr. Jackman is valid."<sup>1</sup>

In this case of *Kehoe v. Wilson*, the bequest to Fr. Conway in the case of *Sims v. Quinlan*,<sup>2</sup> was also relied upon. But it is to be remembered that the bequest in the case of *Sims v. Quinlan* was clearly a bequest for the benefit of a religious community. For it was a gift in aid of the payment of rent which the Dominican community in Cork,—or certain members of that community, as members of the community,—were under a legal obligation to pay.

The distinction between bequests that provide a religious community with funds to be applied by them in discharge of some legal obligation, and bequests that tend merely to lighten for a community the burden of some charge voluntarily undertaken, may perhaps be considered worth taking into account if any case turning upon such a point should again come before the Courts.

As pointing somewhat in the same direction, the distinction may here be referred to, which has long since been drawn by the Courts, between bequests to a religious body, such as the Christian Brothers, and bequests in favour of a charitable institution, such as a school, attached to a house of the Order.

This distinction is clearly drawn by the Vice-Chancellor in his judgment, in *Murphy v. Cheevers*, a case which will be mentioned in the course of this paper.<sup>3</sup>

VIII. In November, 1881, an important case, *Liston v. Keegan*,<sup>4</sup> affecting the legal position of the Vincentian

<sup>1</sup> 21 L. R. Ir.

<sup>2</sup> See *ante*, pages 504-506 ; page 508.

<sup>3</sup> See pages 516-518.

<sup>4</sup> 9 L. R. Ir. 531.

Fathers, came before the Master of the Rolls (Sir E. Sullivan), and was decided by him in the following January.

In this case, there was a bequest to the Rev. N. Barlow, a member of the Vincentian Community at Phibsborough. The will contained no direction as to the allocation of the money. But it was ascertained that there was a "secret trust,"<sup>1</sup> Under this trust, the money was to be allocated for the benefit of the new Church of the Community.

On behalf of the validity of the bequest it was contended by Counsel that the Vincentians were not, strictly speaking, a "religious" Order, or Society,—they are "secular" priests, standing before the law simply as a society of gentlemen associated for any lawful purpose,—and that consequently the prohibitions and penal clauses of the Act of 1829 did not apply to them. Another special point also was raised in this case, distinguishing it from the cases already decided in reference to the Dominicans, Franciscans, and Augustinians. This was, that the provisions of the Act of 1829 were directed only against such Religious Orders as were then within the United Kingdom, and consequently could not apply to the Vincentians, whose Communities in Ireland had been broken up after the Siege of Limerick, in 1690, and who had not established new communities here until 1838.

The decision, however, was, on all points, adverse to the validity of the bequest.

As regards the point last mentioned, the Master of the Rolls held that the words of the Act clearly applied to all communities of the kind contemplated, whether any members of the community were or were not resident in Ireland in 1829.

As for the more substantial point, that the Vincentian Congregation was not a body bound by "religious or monastic vows," the case does not seem to have been quite satisfactorily dealt with. Although the distinction between "religious" and other bodies, and between the vows taken

<sup>1</sup> See *ante*, pages 504, 505

in each class of cases, appears to have been explained in Court, the Master of the Rolls seemed altogether to miss the point of it. The Vincentian priests, he said, appear to be bound by "vows of the highest order!" Again, in reference to some treatise on the subject, to which his attention had been directed, he said that it "firmly" established the "solemnity" of their vows! Then, after a brief reference to the evidence given as to a vital difference between the vows of the Vincentian Congregation and those of the "Religious" Orders of the Church,—the Vincentians being at full liberty to hold private property, and to dispose of it at their own discretion,—he did not even notice the point, or attempt to examine it in any way, but simply wound up with the off-hand statement:—

"The Vincentian Order is an Order known as the Congregation of the Missions, and is, in my opinion, bound by religious or monastic vows."<sup>1</sup>

The doctrine of the "comity of Courts"<sup>2</sup> renders this decision binding upon Courts of First Instance, so long as it may remain unreviewed by the Court of Appeal. But it can hardly be regarded as deciding in any settled way that the Vincentian Congregation falls within the prohibitory or penal clauses of the Act of 1829. The question whether the members of that Congregation are, in the words of the Act, "members of a religious order, community, or society . . . bound by monastic or religious vows," would seem to be still open for final decision.

IX. The next case upon the branch of the law with which we are dealing in this paper is *Murphy v. Cheevers*,<sup>3</sup> a case that was decided by the Vice-Chancellor in December, 1885. This case has already been referred to in connection with the case of *Kehoe v. Wilson*.<sup>4</sup>

The will in question, which was made in America,

<sup>1</sup> 9 L. R. Ir. 437.

<sup>2</sup> See I. E. RECORD, May, 1895, pages 418, 419.

<sup>3</sup> 17 L. R. Ir. 205.

<sup>4</sup> See *ante*, page 514.



contained a bequest of 1,000 dollars to "the Christian Brothers, Mallow," and one of 500 dollars to "the Christian Brothers at Cork."

It was argued on two grounds that the bequests were charitable. First, the testator spoke of the various institutions, in favour of which he made bequests, as "charities." Moreover, if these two bequests were paid to the Christian Brothers, they would be applied by the Christian Brothers to the unquestionably charitable purpose of the education of poor boys.<sup>1</sup>

But the bequests were declared invalid. The Vice-Chancellor said :—

"I am of opinion that the gift to the Christian Brothers is void, under the Roman Catholic Emancipation Act, being a bequest to a body who are bound by monastic vows.

"The testator . . . gave several legacies to what he designated charities, and, among the rest, to the Christian Brothers . . .

"The mere fact of the testator calling a body a charity does not make it so; and if this legacy were held good, and the amount of it paid to the Principal of this community in Cork, it would be impossible to restrict him in any way as to the application of the money, which he might apply as he pleased for the benefit of his Order."<sup>2</sup>

In the course of the argument in the case, reference had been made by Counsel to the former decision of the Vice-Chancellor, in the case of *Heron v. Donnellan*.<sup>3</sup> In that case, the Vice-Chancellor, as we have seen, had upheld a bequest in favour of a school attached to a community of Christian Brothers. As to this, he said :—

"The [present] case does not come within the principle of my decision in *Heron v. Donnellan*, where I held that a bequest in favour of a school attached to a community of Christian Brothers was not void within the meaning of the Act.

"But there is no such gift here. I therefore hold that this gift fails."<sup>4</sup>

The distinction is an obvious one. In the earlier case, the bequest was in favour of a Christian Brothers' school—

<sup>1</sup> See L. E. RECORD, March, 1895, page 215.

<sup>2</sup> 17 L. R. Ir. 209.

<sup>3</sup> See *ante*, pages 509, 510.

<sup>4</sup> 17 L. R. Ir. 209.

an unquestionably legal and charitable purpose. In the later case, the bequest was in favour of the Christian Brothers themselves,—a plainly invalid bequest, the Christian Brothers being an illegal body, under the provisions of the Act of 1829.

X. One other decision remains to be noticed. This is the decision in a case, *Bradshaw v. Jackman*,<sup>1</sup> that has already been referred to.<sup>2</sup> The case came before the Rolls Court, and was decided by the Master of the Rolls (Porter) in August, 1889.

The will in question in the case contained the following, amongst a number of bequests for religious or charitable purposes :—

“I give and bequeath the sum of £5,000 . . . Stock to the Rev. M. Jackman, Provincial of the Franciscan Missioners of Merchants'-quay Chapel, in the city of Dublin, or to the Provincial of said Missionaries at the time of my death, for the offering up of Masses for the eternal repose of the soul of my late father, mother, brothers, and sisters, and of my own soul.”

There was no attempt made to show that the bequest was a charitable one. As to this, the case was clearly governed by the decision in *Attorney-General v. Delaney*.<sup>3</sup> The only question was as to the validity of the bequest, which was impugned on the ground that it was in substance a bequest in favour of the Franciscan Order, and was therefore void.

The Master of the Rolls, however, without hesitation, upheld the bequest as valid. He said :—

“In my opinion there is nothing in the terms of the gift to compel Mr. Jackman to apply a farthing of the gift (which is for the celebration of Masses) to the use of the Franciscan Order. It leaves it open to him to celebrate the Masses himself or to arrange for their celebration by any priest or priests he may select in any part of the world.”<sup>4</sup>

The clause providing that the bequest was to go, not

<sup>1</sup> 21 L. R. Ir. 12.

<sup>2</sup> See *ante*, page 513.

<sup>3</sup> See I. E. RECORD, April, 1895, pages 305-308.

<sup>4</sup> 21 L. R. Ir. 15, 16.

necessarily to the individual priest named, Fr. Jackman, but to him or to whatever other person might happen to occupy the position of Provincial of the Franciscan Order in Ireland at the time of testator's death, was specially relied upon by Counsel as indicating that the bequest was really for the benefit of the Order. The Master of the Rolls, however, did not consider that even this clause made any difference in the legal bearings of the case. Upon this aspect of the case, he said:—

“Although there is a gift in the alternative ‘to the Provincial of the said Missionaries at the time of my death,’ the money in the hands of such Provincial would be *bound by no trust for the Order*, but would be *simply in trust for the celebration of Masses*, not necessarily by members of the Franciscan Order.”<sup>1</sup>

In reference to a suggestion that, beyond doubt, the bequest would, as a matter of fact, be applied for the use and benefit of the Order, the Master of the Rolls disposed of this difficulty by calling attention to a principle of law already mentioned in the course of these papers.<sup>2</sup> What the Court has to look to in all these cases, is, not what an executor or legatee may do,—or what he will, as a matter of fact, do,—but what he is *legally bound to do* under the terms of the trust imposed by the will. The portion of the judgment dealing with this bequest concluded as follows:—

“In the case of the gift with which we are dealing, it is very probable that the Rev. Mr. Jackman will cause the Masses to be said by the members of his own Order, and, therefore, that the legacy will in fact benefit that Order.

“But *there is nothing to make this compulsory*, and I accordingly decide that the bequest to the Rev. Mr. Jackman is valid.”<sup>3</sup>

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

<sup>1</sup> 21 L. R. Ir. 16.

<sup>2</sup> See I. E. RECORD, February, 1895, pages 116; 121, 122; I. E. RECORD April, 1895, page 305.

<sup>3</sup> 21 L. R. Ir. 16.

## ST. NAAL OF INVER-NAILE

IT is difficult to conceive anything more repellent or embarrassing to the reader than to encounter a rugged mass of tangled controversies on the very threshold of a biography in which he is deeply interested. Could we but accept as strictly veracious and indisputable history, the received accounts and cherished traditions regarding our early Irish saints and princes, we should be spared many an hour's distressing study of ancient compilations, that are exceedingly difficult of access, and many a heavy sigh of disappointment. Wordsworth has elegantly expressed the feeling that is frequently uppermost in our minds when we have concluded such investigations :—

“ Those old credulities to nature dear,  
Shall they no longer bloom upon the stock  
Of history, stript naked as a rock  
'Mid a dry desert ? ”

Research, and the critical balancing of authorities, are the duty of the historian; for the reader the enjoyment of perusal ought to be free from the taint of perpetual doubt and unclogged by the labour of collation. If we cannot brush away the impenetrable mists that surround many of the events and facts associated with the name of St. Naal, we can, at all events, present, in a succinct, unbroken narrative, such matters as are fairly well attested and pretty generally accepted as historically certain, reserving speculations, legends, and controversies for the second place. Colgan's attempted proof and his apparently confident belief that the subject of the present paper was the same as St. Natalis, of Kilmanagh (Church of the Monks), in Kilkenny, the illustrious instructor of St. Senan, of Inniscathy, furnished the unsteady foundation on which a huge pile of confused facts and conjectures has been raised by subsequent writers. The merits of this contention we shall discuss later on.

The Annals of the Four Masters chronicle the death of our saint under the year 563 A.D. His feast has been, at

all times, celebrated on the 27th of January. Thus, the received date of his death is January 27, A.D. 563. Colgan gives the following additional particulars, subjoining a note to the effect that he had the Acts of St. Naal in his possession, but could make little use of them, as they were in part evidently false and throughout untrustworthy.

“His mother was Ethnea, daughter of Crimthan, King of Leinster, and his father Aengus, King of Munster. . . . There are not wanting the most convincing evidences that, in olden times, his singular sanctity was honoured, and the veneration in which his name was held, manifested by a religious celebration, on a stated day, in different parts of the kingdom. Certain menologies record that, in the three places where he had held the position of Abbot, he was venerated on the 27th of January. These places are the church of Inber-Naile, in the district of Tyrconnell; the church of Kill-Naile, Kinawly, on the confines of Breffney, in the county of Fermanagh; and the monastery of Devenish (Daim-inis, the Isle of the Oxen), in Lough Erne, in the rulership of which he is said to have succeeded St. Molassius.”

It is added that the homage paid to the saint was that accorded by traditional usage to the local patron in the three districts named. Very few pertinent notes have been left by O'Donovan, and even these are most unsatisfactory. “Saint Naalis is yet remembered,” he says, “as the patron of the parish of Inver, and I think his name should be post-fixed to it, as well as in Kilnawley (it is just worth while to mark O'Donovan's orthography) in Fermanagh, of which he is likewise patron.” The Ordnance Survey party have left their well-known impress engraved on a coping stone in the centre of Inver bridge; but there is no evidence that they visited the village of Inver, where the site of St. Naal's Monastery is marked by a very old graveyard and interesting ruins. O'Donovan's personal estimate of our saint's self-denying austerities and exalted piety may be inferred from the following reflection, jotted down by him in a letter from Donegal town:—“Were I so goodly born, I would not become a monk; but he, perhaps, preferred quietness to the eternal wars in which his father and brothers were engaged, and the Government of Devenish was then considered a distinguished office.” There is no trace of any

local tradition that would support or justify a statement of fact, which the circumstances would lead the reader to believe O'Donovan had learned on the ground :—" There is a pool at Inver Bay (into which cattle are driven to remove some diseases) yet retaining the name of this saint." The name is retained in Lug-Naile (Naal's Hollow), the designation of a neighbouring village.

The *Martyrology of Donegal*, or O'Clery's *Calendar of the Saints of Ireland*, contains the following short biographical notice under January 27th :—

" Naile, of Inber-Naile in the territory of Baghuine in Cinel Conaill, and Abbot of Cill-Naile and Daimhinis in Fermanagh afterwards. He was son of Aengus—son of Nadfreac, son of Corc, son of Lughac—who was King of Munster; and Eithne, daughter of Crimthan, was his mother, according to his own life.

"It was to him God gave water from the hard, strong rock when very parching thirst seized him, and to Maodoc of Ferns, together with the monks of both; when he cast from a distance his crozier at the hard rock of stone, so that a fountain of pure, clean water issued forth from it, as this well is, at the present day, to be seen at Cill-Naile, according to Naal's own life, tenth chapter.

"The *Life of Columb Cille*, chap. xc., relates that it was at Inver that Naal came into the presence of Columb Cille for the first time, and that Columb Cille and Naal blessed the town, and that it was from Naal the church was thenceforward called."

Colgan gives the story of the miracle here recorded as follows :—" Referunt ipsum merito suae fidei fontem e petra eduxisse." "They relate that by virtue of his faith he drew a fountain from a rock." O'Donovan's translation of this passage is a curiosity :—" Some of our menologies relate that he, by merit, *derived the fountain of his faith from the rock!*" In the townland of Fanaghan, at a short distance from the site of the ancient abbey of Inver, there is a "holy well," which has always been pointed out by the people of the district as the result and imperishable proof of the miracle assigned by all the ancient writers to St. Naal. In Kill Naile, in Fermanagh, there is also a well with which the same tradition is associated.

In the official record of the Lifford Inquisition of the seventh year of James I. 1609 A.D., it is stated that the Grand Jury, "upon their oaths, say and present that in the said Barony, Tirhugh, is also the parish of *Invernaile*, containing in all three ballybetaghs, whereof half a quarter is church land, and is now in possession of the Bishop of Raphoe, and that the usual rent thereof is fifty meathers of butter and thirteen shillings and fourpence in Irish money." At present, neither the village nor the parish is called Invernaile, but there is the clearest evidence, documentary and traditional, that in both instances Naile was postfixed up to a century or a century and a-half ago. The Barony of Tirhugh is an obvious error; Banagh is the name of the Barony. Dr. Joyce explains the origin of the name as follows:—"One of the sons of Conall Gulban was Enna Boghaine, and he became the ancestor of a tribe called Kinel Boghaine; the district they inhabited was called Tir-Boghaine, *i.e.*, Boghaine's territory; and this latter still holds its place in the form of Banagh, which is the name of a modern barony, a portion of the ancient district."

Since St. Columba was born at Gartán (Little Field), near Letterkenny (the hill-slope of the O'Cannons), in the year A.D. 520, and the patron saint of Inver (River's Mouth) died in A.D. 563, the statement that they had met can create neither difficulty nor surprise. It would be a most extraordinary thing that they should not have come together at some period of St. Columbkille's early life, as his departure for Iona took place only a little more than a year before St. Naal's death. But it is not quite so easy, at first sight, to reconcile the alleged succession of St. Naal to St. Molassius or Laseraín in the abbacy of Devenish with the date to which the death of Molassius is commonly assigned. He is stated to have died, on the completion of his thirtieth year, on the 12th of September, A.D. 563, the same year in which our saint had passed to his glorious reward. It is more than probable that, owing to feeble health, Molassius had resigned the reins of government into the hands of Naal long before his death. Even Lanigan, who shows little

reverence for the best authenticated traditions, is compelled to admit that Naal of Devenish and Naal of Inver "are usually spoken of as one and the same."

Colgan's arguments in favour of the identity of the patron saint of Inver with his illustrious namesake of Kilmanagh are the following. First, both are said to have been sons of Aengus, and to have lived in Munster about the beginning of the sixth century; the accounts agree, therefore, as to time and place. Secondly, the disparity in the dates of the feasts, the Kilmanagh saint being venerated on the 31st of July and St. Naal of Inver on the 27th of January, can be readily accounted for by assuming that the first-mentioned date was fixed to commemorate some less important event in the saint's life, or possibly his birth. Lanigan argues that as Aengus, King of Cashel, was killed in the battle of Killosnadh, county Carlow, A.D. 490, he could not have been the father of Naal of Inver, who lived till A.D. 563. There is little, if any, force in this contention, and we should certainly not be justified in rejecting the explicit testimony of so many reliable ancient writers on such slender grounds. But, on the other hand, we learn that Natalis, of Kilmanagh, flourished about half a century before the death of our saint, nor is there any evidence that he ever abandoned his own province of Munster. No doubt his father was also Aengus, but this was a very common name in those days. There appears to be no sufficient reason why we should not follow the account given in the Martyrology of Donegal. There the two saints are treated as perfectly distinct, and no doubt is suggested as to the fact that Naal of Inver and Devenish was the son of the famous King Aengus of Munster, regarding whom the following well-known story is told by the ancient annalists:—"When he was being baptized by St. Patrick in Cashel, his foot was accidentally pierced by the crozier, and so deep was his fervour that he bore it without a word, thinking it was part of the ceremony."<sup>1</sup>

In the metrical Life of St. Senanus, it is stated that the

<sup>1</sup> Dr. Joyce.



community over which St. Natalis of Kilmanagh presided as abbot, numbered one hundred and fifty members:—

“ Ut Senanum novitium,  
Ad abbatem eximium  
Mittat Natalum nomine,  
Ut sub ejus regimine,  
Disciplinis et actibus,  
Instrueretur plenius:  
Fuit enim tunc temporis  
Fama Natali celebris,  
Cum ingens congregatio  
In ejus contubernio,  
Quinquaginta videlicet  
Et centum fratrum degeret.”

Now, it appears scarcely credible that the distinguished head of such a large and flourishing monastery should have resigned his charge, and have wandered so far northward in his old age, and yet have attracted so little attention that no contemporary or subsequent writer should have even alluded to the matter. Again, it has never been usual to celebrate the birthday of saints, nor can we readily find a parallel, in the Irish Calendar, for the alleged multiplication of feasts in honour of the same saint.

Canon O'Hanlon, referring to a passage in Colgan's *Trias Thaumaturga, Vita Quinta Sancti Columbae*, makes the following interesting suggestion:—"It seems possible, too, that the present saint was identical with a Naal (mentioned in the acts of St. Columba), to whose church, it is said, a certain holy smith, named Senach, presented a bell."

A monastery of Franciscan Tertiaries was founded on the site of the ancient abbey of Naal in the sixteenth century, and a small branch house, which appears to have been a kind of sanatorium or of summer retreat, was erected in connection with it at Dysart, in the remote end of the parish:—

"The Third Order of St. Francis counted well-nigh fifty houses in various parts of Ireland. Most of them date their erection in the sixteenth century, those especially of Killybegs, Kill-O-Donel, and Magherabeg, near our great monastery of Donegal, which were founded by the O'Donnells and their tributary chieftains. The friars of these houses lived in community,

observed strict discipline, discharged pastoral duties, such as attending the sick and dying in the immediate neighbourhood, and devoted themselves to educating the youth in the circum-jacent districts. I myself have met peasant lads educated in those schools who were as familiar with Virgil, Horace, Homer, and other classic writers, as they were with the genealogies of the Milesian princes." <sup>1</sup>

The following description of the ruined abbey at Inver and its surroundings is taken from O'Hanlon's invaluable work. The changes are not worth noting; a few omissions of a descriptive character have been considered obligatory:—

"Not unlike many other ecclesiastical edifices scattered over Ireland, and which owe their erection to the piety and good taste of the monks of old, this little ruined Church of St. Naal is not exceptional, as regards its pretty and picturesque situation. It stands on the right bank of the river Eany, as it empties its placid waters into the Bay of Inver. When the tide is at its full, the old ruin, with its quiet cemetery, is almost encircled with the briny water. This Church of St. Naal consists merely of the nave, which measures 61 feet in length by 21 feet 6 inches in its extreme width. Nothing is now left of its former carving and tracery, save a few elaborately-cut jambs in the east window. Among the popular traditions still preserved by the peasantry is one, that the river Eany was blessed by the saint, and that no plague was afterwards permitted to cross its waters."

"Eany" is an adjectival formative from the Irish word "eigean" or "aignean," ivy, and is well rendered by Dr. Joyce, ivy-producing. It is a beautiful and majestic stream, teeming with splendid salmon and trout. Though tidal for about a mile from its mouth, it is nowhere sluggish. Near its very source in the far-off mountains, it descends through a rocky and abruptly broken ravine of more than 350 feet in perpendicular height. This magnificent cataract, whose picturesqueness baulks description, exhibits, nearly every day in the year, huge sheets of snow-white foam, distinctly visible at a distance of twelve or even fifteen miles. Its height and the artistic overlapping and gradation of the layers of froth must have suggested the name by which it has been known as long back as tradition can be traced—the "Grey Mare's Tail." On a towering and

<sup>1</sup> *Rise and Fall.*

pointed spur of mountain, quite adjacent, the "Drummond's Light" flared during the prolonged visit of the Ordnance Survey engineers, while they were taking and testing the trigonometrical measurements of the greater part of the county. Though the references to Inver-Naile in the *Four Masters* are few and far between, a commentary note of O'Donovan's enables us to discover, without trouble or annoyance, in that grand repertoire of our national history and folklore, three important incidents connected with the rich valley of Gleneany, in which our saint's monastery was so favourably situated: "There is a very remarkable valley," he says, "in this parish which I find mentioned in the *Four Masters* under the years 1502, 1564, and 1616."

In O'Connellan's translation of the *Annals*, under those dates respectively, we read :—

1502. "The sons of Torlagh Oge, son of Torlogh, son of Niall Roe, gained the battle of Tulach Fine (Tullyfinn, a townland on the right side of the river, some two miles inland) against O'Boyle, their father's brother, *i.e.*, Niall Binghe, in which Niall O'Boyle and his two sons, Roderick and Donal Ballach, with many others, were slain. O'Boyle himself was the person by whom that treachery had been accomplished, which resulted in his death, at the hands of Torlogh's sons."

This was obviously a family quarrel that can possess no interest for the student of history; the next extract we are obliged to make excites even keener regret, but the Scriptural truth, "*Inimici hominis domestici ejus*," had been long and often confirmed before those days of internecine strife among the chiefs and captains of our Irish septs.

1564. Calvach O'Donnell had returned from Dublin, and was sojourning at Maguire's Castle at Enniskillen, when the town and castle of Donegal were treacherously handed over to his worthless son, Con. "Harassing parties of O'Neill's forces overran Tir Boghaine (Banagh), and slew Maolmurray, the son of MacSweeney, and many others in Gleneany."

1616. The last event but one recorded in the *Annals* is the death of a bishop of Raphoe in Gleneany. This proves two things—that the individual alluded to was an important

personage in his own day, and that Inver was then, as it is now, a mensal parish. "Niall O'Boyle, Bishop of Rath-both (Raphoe, in Donegal), died in Gleneany on 8th February, and was buried in Iniscoil, in the barony of Boyleagh."

A handsome Gothic church has been erected, and will soon be solemnly dedicated to St. Naal in the immediate neighbourhood of the old abbey. It is gratifying to reflect that the inhabitants of Gleneany are almost as simple, and quite as devout Christians, as their ancestors were in the days of their illustrious patron saint.

E. MAGUIRE.

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## ROME AND ENGLAND

LEO XIII. is truly a wonderful man. It is Senor Castelar, the Spanish statesman and orator—a man of European fame, who after a recent interview with the present Pontiff said of him that this century will go down to posterity remarkable for two men who stand out above all others. The two men of whom that distinguished statesman so spoke and wrote, were Napoleon I. and Leo XIII. How different the men! How opposite their pursuits! The one, the man of "iron and blood;" the other, the Apostle of peace and charity; the one, the greatest military captain of that or any other age; the other, one of the greatest Pontiffs that ever sat on the Chair of Peter. On a more recent occasion a great Protestant newspaper said that if Leo XIII. was twenty years younger he would reform the world. This is high tribute from such sources to the moral worth and commanding power of the present Pontiff.

Undoubtedly, Leo XIII. is a man of vast and varied parts, and deserves to be called great in the truest and highest sense of that word. Scarce had he ascended the Papal throne, when he began to give proof that he was great and learned among a long line of illustrious men to which this world can furnish no parallel. Since that time he has

continued at brief intervals to astonish and delight the world with the largeness of his mind, the wisdom of his views, the soundness of his judgment, the depth and vastness of his erudition. What subject has he not touched? And whatever he touches he adorns. At one time it is the lessons of philosophy which he expounds with a lucidity and an eloquence not unworthy of St. Thomas, whom he justly extols above all the schoolmen. At another time it is his Encyclical on Marriage and Divorce in which he seeks to restrain the blind passions of men by pointing out to the nations the sacredness of matrimony, and the inviolability of the marriage tie. Again, it is the chief duties of Christian citizens in which he assigns their respective places to sovereigns and to subjects. Then comes his immortal Encyclical on the perplexing problem of labour, which all Europe admired not only on account of his knowledge in detail of the social upheaval, but also of the soundness of his solution of the difficulty.

This Encyclical alone won back to the Catholic Church hosts of the working classes estranged from it by infidelity and socialism. And quite recently came his Encyclical to the rulers and people in which he has made an appeal to all our separated brethren to return to the one true fold. "Let us one and all," he says, "for the sake of the common weal, labour assiduously to restore the ancient concord and union." These are only a few of the many literary gems and philosophic productions with which he has charmed and enlightened the world since he became Head of the Church. The position and place of Leo XIII. is unique in the history of this world. As an intellectual sovereign, he reigns supreme, not only in Europe, but in the whole world. As a spiritual sovereign, two hundred and forty millions of subjects, scattered the wide earth over, divided from each other by nationality, character, and race, love him as a father. What other earthly potentate can claim empire such as this? The Papacy is the greatest fact in history, and the supreme Pontiff is the greatest moral and intellectual force on this earth. The nations are at last awakening to this great fact, and, who knows but in God's good providence, which

watches over all things, and never deserts His own, we are in the beginning of a still more glorious reign for the kingdom of Christ on earth.

In the person of the present great Pontiff the good and grand old times seem to be returning. Nations estranged from the Papacy by pride and rebellion are in our day turning to the Catholic Church as the only power on this earth able to stay the tide of infidelity, and reform the morals of men. Adversity, an unfailing school, seems to be bringing the kings and governments of Europe to their senses. A mighty earthquake is beginning to shake the moral ground on which society is based. Infidelity boldly raises its head, scoffing at all religion. This alone would give little trouble to latter-day Governments, were it not that society is rent by secret associations of vast magnitude, whose avowed object is to level the throne as well as the altar. Authority in every form is despised. The monarchs of the earth may no longer walk the streets of their own capitals. Even their Imperial palaces are not safe from dynamite, and a careful supervision must be exercised over every morsel they eat and every drop they drink. If they walk in the broad day the revolver of the assassin is levelled at them, or they are horribly mutilated by bombshells. There is not a sovereign in Europe at the present day, not, excepting even the gracious Queen who reigns in these realms, that may not, if unprotected, meet the same appalling fate as befell the late President of the unstable and unhappy French Republic. But the Governments of Europe may thank themselves. They have sought to dethrone God in the hearts of men, and now they are reaping the fruits. They "have sown the wind, and they are reaping the whirlwind." Statesmen are powerless to save society from the ruin which threatens it. When the heart is corrupt, and the principles of religion disregarded, all the efforts of statesmen are but as casting dust before the wind. Philosophers are powerless, for beautiful theories can do as little now as in the days of Socrates and Plato, of Cicero and Seneca. Besides, the very principles that are overturning society find their ablest advocates among those who call themselves philosophers. The sure and only hope

of society is now, as ever, that great body to whom Jesus Christ has given the mission to teach and to heal. By the Church's teaching the wounds of society, no matter how deep and desperate, may be healed. By hearing that teaching the poor man will be content with his poverty after the example of Jesus Christ; the rich man will regard himself as the steward of what he possesses, and will remember that he is bound to succour those in want. The subject will learn by that teaching that social order is the work of God, and the power of the mighty will be checked by the remembrance of the mighty tribunal before which the monarch and the subject must appear on equal terms. Perhaps it will take time before this divine teaching will produce its effects, but certain it is that the "truth is mighty and will prevail." At all events, we already see a great awakening; we see the returning tide. Governments now as of old seek counsel from the Sovereign Pontiff. Kings and Emperors approach him in difficulty and doubt, and all things seem to point that time will soon make him again the arbiter of nations. So it has come to pass, by the force of circumstances, to some extent, if you will, and above all, by the forces of his own inherent power, and that which belongs to his sacred office, that Leo XIII. has impressed himself as a mighty factor in the moral influence of the world, and has gained for the Papacy a recognition and a power which twenty years ago would seem impossible.

But Leo XIII. is not only a man of great genius, he is also a man of extraordinary foresight. He knows when and how to speak—at that time and with that power which is all his own, and which is almost unique in the history of the Papacy. In fact, Leo XIII. seems to speak like a prophet, and to act like one inspired. Only a few months ago he startled the Catholic world by the boldness of his design in seeking to re-unite the Eastern and Western Churches—Churches divided by schism for ten centuries. Opportunists shook their heads. Others censured and condemned. No one approved. Contrary to all expectation, save his, which gave it birth, his bold adventure has already borne fruit, and will bear much more in the near future. Within the last few weeks the air was thick with rumour of much subterranean

activity between Great Britain and the Vatican, and the rumour is now set at rest, and Europe is captivated by an official utterance from the head of the Church, which, in plain language, aims at nothing less than to bring the Anglican Communion within the fold of the See of Peter. In face of these facts, it may be useful, and not uninteresting, to see what Catholicity was and is in England, and what chances of success have the good intentions and present action of our great Pontiff.

It may, indeed, to some, seem purely visionary, and to the worldly wise the acme of folly, to think, at this period of the nineteenth century, of revolutionary chaos, when the infidel and socialist and anarchist are abroad, and dare openly proclaim their doctrines—doctrines subversive of law, order, and religion alike, that the work done by Henry VIII. three hundred years ago, and continuing in force to some extent, at least, to the present day, will now be undone; and undone too by a prisoner in the Vatican, who sways no sceptre save that of his own intellect and the light of his own life. The problem becomes more perplexing still when we reflect that when that great schism of the sixteenth century (Reformation I will not call it) was enacted, there sat on the Chair of Peter a great Pontiff—great in learning and blameless in life, enthroned as a temporal sovereign, backed up by almost every potentate in Europe, and yet with such help, and with the aid of a great General Council, he could not stay that heresy which had already begun, and which stopped not in its career of ruin till it divided European Christendom into two warring camps, and tore asunder the seamless garment of Christ. Probably many of my readers may think that to formulate these objections is to demonstrate the hopelessness of answering them. Yet, there are many answers. I shall satisfy myself with two. We have, first of all, to remember that in dealing with nations, as well as individuals, “the ways of God are not as the ways of man.” We have to remember that as God did in founding His Church, so He does in extending it—that as with the Apostles, “He chose the foolish to confound the wise, the weak to confound the strong,” so in the history of all religion there is no proportion



between the means He employs and the ends He accomplishes. This is the first answer.

But the best answer, from a historical point of view, with which we are more intimately concerned in this paper, will, I think, be best found in the answer to that question which I have already asked, and which I purpose giving—namely, what was, and is, the standing of the Catholic Church in England? Three things, I think, are demonstrable and certain regarding the position which the Catholic Church held and holds in England. The first is, that up to the sixteenth century the English Church was in communion with the See of Peter. The second is, that the English people never rejected the faith, but that they were robbed of it. The third and last is, that the Catholic Church has within the present century made great advancement, at least, in constitutional government and social standing. Of each of these propositions let us give a clear, if succinct, proof. Besides the great desire which animates the heart of the Holy Father to see all mankind within the one true fold, it is easy to understand why so great and gifted a Pontiff should ardently long to see the Church of England in that proud position she once occupied in Catholic Christendom. Outside Rome, the mother and mistress of all Churches, the source and centre of Catholic unity, one of the oldest Churches of Christendom, is the Church of England. Its antiquity dates back to the second century, and perhaps beyond it. Pope Eleutherius XII., in succession from St. Peter, sent Roman missionaries to England at the earnest request of Lucius, a British king, in the year 180. This is the distinct record of Venerable Bede. Archbishop Ussher admits the fact, and denies the inference. By a curicous distortion of fact, to which Protestantism is no stranger, he tries to twist it against the supremacy of Rome. Why, then, did not Lucius content himself with sending for missionaries from Gaul, which lay so much nearer? At that moment there was in Gaul a great and saintly disciple of St. John, the renowned St. Irenæus, Bishop of Lyons. Why not apply to him? Because King Lucius had inquired into the principles of the Christianity he was going to embrace, and he knew

that St. Peter had been appointed to "confirm" his brethren, the rest of the Apostles, and to feed the whole flock, sheep and lambs, teachers and taught. This is one striking piece of evidence. While Rome was still Pagan, in the latter half of the second century, England received an accession of religious life from the Bishop of Rome. And what religion was Rome likely to send? Nothing, certainly, like the Homilies and the Thirty-ninth Articles.

To come to another fact. In the first Council of Arles, in France, held in 314, three British bishops, Eborius of York, Restitutus of London, and Adelphinus of Lincoln, attended, and in their joint letter to the reigning Pope, St. Sylvester, the assembled fathers thus wrote: "Joined in the common bond of charity and with the tie of *unity of our Holy Mother* the Church, we salute the most religious Pope with deserved reverence." In the middle of that fourth century, A.D. 347, the Bishop of London, that same Restitutus, sat at the Council of Sardica, in Illyricum, together with other British bishops. And what did they pass? They passed the third and fourth Canon, which expressly provides that in cases of contention between bishops or the deposition of bishops, appeals should be carried to Rome, because Rome was the See of St. Peter. Was that ancient Church of England like the present established institution? Then came the Pagan Saxons, who brought ruin and rapine, and bloodshed and death, into the country they invaded, as they brought it into our own when by a base betrayal it was given over to their hands. And when the Christianized Britons were driven into the mountains and valleys of Wales and the rocky regions of Cornwall by their Pagan invaders, who converted the Anglo-Saxons? It was St. Augustine, still sent from the universal centre, from the Rock and Shepherd of all. Touching and pathetic indeed is that page of history which tells how and why St. Gregory so early and so eagerly sent Christian missionaries to Christianize the Pagan Anglo-Saxons. When a monk he saw some English slaves in Rome, for the inhabitants of England then consisted merely of slaves and slaveholders. Gregory saw them, and so fair and beautiful

were they that, playing on the word, he said: "They are not Angles these, they are Angels." The heart of that holy man melted with pity to see beings so fair and beautiful buried in Paganism, and he conceived a great desire to convert them. That desire only increased with his years. The man of God never forgets his Master's work. When elected Pope one of the first acts of that great Pontiff was to send monks from his own monastery—of whom St. Augustine was one—to restore the faith to the Anglo-Saxons. What relation did that imply between the then Church of England and the Church of Rome?

In the eleventh century, St. Anselm, Archbishop of Canterbury, gave an exposition of the faith of England to King William Rufus in these words, "He who abjures Blessed Peter undoubtedly abjures Christ, who made him Prince over His Church." What relation does that clearly establish between the then Church of England and the Church of Rome? In the thirteenth century (1245), the English bishops and clergy assembled in a National Synod, wrote to Pope Innocent IV., and assured him that "the Kingdom of England was specially devoted to the Most Holy Roman Church, and that they themselves are faithful and devoted sons of the most Holy Roman Church."<sup>1</sup> And what relation do these words clearly establish between the then Church of England and the Church of Rome? Again, in the fifteenth century (1427), the bishops of England addressed a joint letter to Pope Martin V. on behalf of Chicheley, who was then Archbishop of Canterbury, and who had been falsely accused at Rome. Their words are: "Most Blessed Father, one and only undoubted Sovereign Pontiff of Jesus Christ upon earth, with all promptitude of service and obedience kissing most devoutly your blessed feet." In the same year, and on behalf of the same Archbishop, the great University of Oxford wrote to the same Pontiff in these words: "We with united hearts, undoubtedly recognise you as the Sovereign Pontiff, the Vicar of Christ upon earth, and the most true successor of St. Peter."

<sup>1</sup> Math. Paris, p. 902.

And what relation do these words clearly establish between the then Church of England and the Church of Rome? One more testimony. It is that of an undisputed witness on the Protestant side. It is from Henry VIII., and written against the heresiarch Luther, for which the English King, before the unhappy man himself had become the victim of lust, and had lapsed into heresy, obtained from the Pope the title of "Defender of the Faith." These are the King's words:—"Luther cannot deny that all the faithful honour and acknowledge the Roman See for their mother and supreme; nor does distance of place, nor dangers in the way hinder access thereto; for the Indians themselves, separated from us by such a vast distance, both of land and sea, do submit to the See of Rome."

What now becomes of the modern theory of Apostolic continuity in the Protestant Church of England? Ah, unhappy and fallen Church! fallen from virtue and your high estate to the slavery of the State and the dregs of Lutheranism, I weep for the hapless victims held within thy grasp. I think, then, I have clearly established my first thesis, viz., that from the early dawn of Christianity in England up to the sixteenth century, the English Church was in communion with, and acknowledged the supremacy of, the See of Rome.

My second proposition is, that the English people never rejected the faith, but they were cruelly robbed of it. Wellnigh thirteen hundred years have passed away since Augustine was sent by Gregory the Great to restore the faith to England, and from that time the faith has imperishably lived on. The doctrines of the Catholic Church, recorded by St. Gildas, one of the earliest British writers known to us, and by Venerable Bede, an undoubted authority, are those selfsame doctrines, their fidelity to which Fisher, More, and a host of other martyrs sealed with their blood, three hundred years ago, and which at the present moment are taught by every bishop and priest throughout England, who are something more than surpliced laymen.

And these doctrines lived on. All that man could do

against them was done, but the English people never rejected them. They were robbed of their faith. An evil king and servile courtiers, and cowardly bishops and pastors, who were hirelings, and fled when the wolf came—these it was that robbed England of their faith. The English people never rejected it. They do not know it indeed. But it was those who were over them who robbed them of their inheritance, and took away the Blessed Sacrament out of the churches of England, and turned the sanctuary, in which the living presence of our Divine Lord Himself had been always on the altar, into sepulchres of desolation—the place where the Lord lay, but where He was no more to be found. The people will not, and could not, fight for their religion alone. They require a leader. And who was to support the people of England then in the fight? Hireling pastors had fled to Henry's side, and accepted his new-fangled doctrines with a readiness unparalleled in the history of persecution. And what was then to sustain their faith? The ruthless vandal had been stalking the land, who spared not the most sacred objects of Christian veneration. When the people came into the churches they were chilled by the coldness of the tomb. The sanctuary lamp no longer burned. The image of the Crucified, the sight of which is sufficient to soften the heart of the most hardened, and which has brought tears from the eyes of saints, was rudely torn down and no longer to be seen. The image of Mary the Mother of God, the sight of whom raises us above our lowly selves, and tells of that purity which was hers, and which should in some measure at least be ours, was either hidden away or broken to pieces.

And if this was the condition of those who were born while the religion of Jesus reigned in the land, what was the condition of those who were born after the deed of sacrilege had been done? They came into the darkness of a land robbed of its faith. From that hour the English people have been born into twilight, into darkness, into the chill of winter. And in the days before that dark deed was done, not only was the Blessed Sacrament on the altar, but in the hands of the little children were the beads of our

Blessed Mother, and love and veneration for the Mother of God and our Mother was in every heart and on every lip. The tillers of the field and the shepherds on the downs, and the little children in the hamlets, all had the knowledge of our Blessed and Immaculate Mother. Shrines erected in her honour and dedicated to her name everywhere dotted the land, and England was then called by the glorious title, "The Dowry of Mary."

Speaking of the so-called Reformation, Lord Macaulay, a Protestant historian calls it, "a political job, got up by Henry, the murderer of his wives; continued by Somerset, the murderer of his brother; and accomplished by Elizabeth, the murderer of her guest." It was not then as some partizan Protestant historians would have us believe, the revival of learning and gradual increase of knowledge, but the lust of Henry VIII. and his relations with Anne Boleyn that brought about the so-called Reformation. The Reformation of God's Church—what blasphemy, brought about by a besotted monarch, "by Henry, the murderer of his wives; by Somerset, the murderer of his brother; and Elizabeth, the murderer of her guest;" and perfected by men, whom Dr. Littledale, a Protestant clergyman, calls "irredeemable villains." It is a pity Lord Macaulay should spoil such sport by not giving his due position and prominence in such a blessed work to Essex, the prime paramour of the "pure" Elizabeth; and the picture would be perfected to nature if two precious gems, Luther and Calvin, were added to canonize the crowd with a touch of faith. It cannot then be too often nor too strongly asseverated that it was a sovereign who was a monster rather than a man, and a cowardly crew of bishops and priests enervated by idleness and demoralized by wealth, that robbed the noble people of England of their faith. What is true now was true then—"as is the pastor, so are the flock."

If the English bishops and pastors did their duty by the Church and the people; if they stood unflinchingly before the storm; if they were prepared, as they ought to be, to sacrifice living and life for the sake of the religion of Jesus Christ, the people would fight under the same standard, and

if needs be, die in the same ranks. If the bishops and priests of England did for their people what the noble bishops and priests of Ireland, in dark and evil days, did for theirs, we should to-day be spared the sad and sickening sight of seeing a whole nation, and one of the noblest nations of Christendom, robbed of its faith and buried in the darkness of heresy or unbelief. To the unbiassed student it is evident that Protestantism, with its present pretensions to Apostolic purity and succession of ministry, is the greatest fraud in history, and a moral monster of a hydraheaded kind.

Two things, then, are certain; and, I think, I have proved—first, that the Church of England, up to the great schism of the sixteenth century, was uninterruptedly in communion with the See of Peter; secondly, that the people of England never rejected the faith—they were only robbed of it. And this brings me to my third and last proposition, viz., the present position of the Catholic Church of England, and the chances of success the good intentions and present action of the Holy Father are likely to have. This proposition will, I think, be best established by contrasting what the Catholic Church was in England fifty or sixty years ago and what she is to-day. If we went further back, to the commencement of the century, the contrast would become stronger and more striking still. Fifty or sixty years are a brief period in the life of a nation. They are certainly a small space in the life of the Catholic Church. Yet, what great, what marvellous advance has not Catholicity made in England within that short span. When Victoria, a girl of 18, ascended the throne of Henry VIII. and Elizabeth in 1837, how downtrodden then was Catholicity. It had the name of existence, but it did not live. Catholics were debarred from all State offices. No Catholic might walk the streets without injury or insult. The Catholic religion was partially proscribed, or, at best, was silently tolerated. What a change has since come over the spirit of England. All State offices are now thrown open to Catholics. Eminent Catholics hold the highest offices in the regal household, and are ministers of the Crown.

An eminent Catholic fills the highest position on the

Judicial Bench of England. To be a Catholic, at least among the upper and educated classes, is to-day a recognition of honour and a badge of aristocracy. When Cardinal (then Dr.) Wiseman was about to re-establish the Catholic hierarchy in England, he was threatened with death the first time he dared to pontificate in public. And when his immediate successor, who was once an Archdeacon in the Established Church, was invested with the crozier of Westminster, and when the once great light of Oxford—the greatest Protestant Oxford ever produced—was crowned with the Cardinal's hat, Newman and Manning, the two most glorious names in the history of the Catholic Church in England, were honoured by men of all creeds and callings with such an honour as was never accorded to bishop or archbishop of the Anglican Church. That honour was continued to them during a long life; it followed them to the grave, and like a perfume of sweet-smelling roses, it hangs round their memories. Cardinal Newman lived like a religious, and was buried like a religious. Cardinal Manning lived doing battle for God amidst the bustle of the world, and the honours of a public funeral were accorded to him. At his funeral—oh, what a glorious sight!—kings and princes vied with each other for positions of precedence to pay a last mark of respect to his name and his office. Half a million of people turned out in busy London to honour his remains as they were being conveyed to their last resting-place.

And is it not within the recollection of all of us, the several attempts that have been made by several successive governments to establish real, though not formal, relations between the British Government and the Vatican? I shall recall the name of only two of the commissioned—though afterwards shamefully disavowed—Sir George Errington and Sir Linthorne Simmons. Do not all these things point to the fact, and clearly prove that the Catholic Church has made great progress in England within the last fifty or sixty years, and that she has made marvellous advances, at least in outward respect and social standing. Dr. Benson, the present usurper of Canterbury (where sixty-nine true archbishops



from St. Augustine reigned till the race became extinct in Cranmer's apostacy), may deny the fact; and, to save his situation, may repudiate all re-union with Rome, and on the "No Popery" cry of an Orange mob. But the Protestant Archbishop of Canterbury is the mere figure-head of a State institution, and has no more real influence with the English masses than a parish clerk. You could not travel in England, or visit their churches, or listen to their flock, without being convinced that the days of Protestantism are numbered. Democracy is on the onward march, and tall talk or mere declamation from men of eight or ten thousand a-year, and of no work and of no worth, has long since ceased to command any respect from the English masses. Such men may speak their own feelings, or for themselves, but they have no preponderating power in the practical outcome of the case. We must look for a solution of it to a more trustworthy source, viz., the course of events.

And what is the tendency of events? The truth is, all things go to show that Protestantism is an effete institution—that it is dying of that corruption which gave it birth. Like Manichæanism, Donatism, and other *isms* which have lived their day, Protestantism is doomed. It has lived its brief day—yes, brief in the history of religion. What is three hundred years in the life of the Catholic Church? Before the onslaught of infidelity, the puny offspring of private judgment, Protestantism is shivered to atoms, and we who are witnessing its dying shall see its death. The English people are a noble people. They are looking for light; they are yearning for truth; they are thirsting for change. As we walked their cities—cities busy as bee-hives with commercial business, but in spiritual desolation and ruin, and as we gazed on the streets of some of these cities still bearing the names of those saints that once blessed and bled for that Saxon land, we could not help exclaiming, Oh! what a prize the Church has lost; and we entertained the hope, and we entertain it still, that the martyrs' blood, poured out in torrents, will yet reconsecrate what was once the holy and hallowed land of England. We are hopeful that the spirit of Fisher and More, and of hosts of others,

who gave their life's blood for the faith; and of Faber and Oakley, and Newman and Manning, who sundered their dearest earthly ties, and made many other sacrifices to embrace it, will yet breathe and live in the hearts of Englishmen, and that the intercession of such martyrs and saints will again revive in England the true religion of Jesus Christ, and will make it what it was before, the "Island of the Saints."

We can then easily discern the design of the present great Pontiff, who, looking out from his Vatican prison on one of the seven hills of Rome, upon the wide world, even as the Good Shepherd of old looked out from the Judean hill-side for the return of the lost ones of Israel, sees the eyes of all England, whose minds are harassed with anxiety and uncertainty, turned or turning towards Rome, the centre and source of Catholic unity.

It is meet and right that the Father of the faithful, who loves all, even the most erring children, should foster that spirit—should encourage, invite, and exhort the good people of England to return to their old allegiance and to their ancient mother. No matter how wayward a child may be, or may have been, the mother loves him still, and longs for his love, and yearns for his return. That is the noble spirit that animates the heart and actuates the action of our great Pontiff. And all who love their religion, and like a good people—a people basely robbed of their faith—do earnestly wish, and will fervently pray, that the designs of our grand old Pontiff may be crowned with fruition, that God may give him and them to witness, if not in whole, at least in part—oh! what a blessed sight—the sight of the good people of a great nation once again members of the one true fold under the one true Shepherd.

W. J. MULCAHY.

## Liturgical Notes

### ANSWERS TO CORRESPONDENTS

#### THE DEVOTION OF THE "NINE FRIDAYS"

REV. DEAR SIR,—You will very much oblige by helping to resolve the following:—The Devotion of the "Nine Fridays" is now very widespread; it holds a prominent place in certain devotional treatises; it is often preached about at missions; and it is practised by large crowds of devout communicants. It rests upon a promise said to have been made by our Lord to Blessed Margaret Mary Alacoque—a most extraordinary promise, if real—granting the grace of the last sacraments and final perseverance to those who comply with the conditions of the devotion. The promise is said to be found in some of the letters of Blessed Margaret Mary; and at page 354 of the Oratorian *Life* of the holy nun, there is direct mention of it. Yet the "promise" seems so extraordinary, that one is inclined to doubt if it was ever really made. On the other hand, the bishops of the Church, and very likely the Holy See, are aware of the wide use made of it in getting people to approach the sacraments, and would hardly remain silent if it had not some show of authenticity. Would you kindly say if the "promise" is genuine; and if so, how is it to be interpreted?

The genuineness of this promise we cannot doubt, unless we doubt either the intelligence or the word of Blessed Margaret Mary Alacoque. For in a letter written by her in May, 1688, to Mother de Saumaise, who seems to have been at that time Superioress of the Visitation Convent at Dijon, Blessed Margaret Mary says:—"One Friday, during the time of Holy Communion, He (our Divine Lord) spoke these words to his unworthy slave, unless she is deceived:—'In the exceeding mercy of My heart I promise you that its all-powerful lover will grant to all those who communicate on nine successive first Fridays of the month, the final grace of repentance; they shall not die in its disgrace, nor without receiving their sacraments, my Divine Heart constituting itself their assured refuge in that last moment.'"<sup>1</sup>

<sup>1</sup> Un jour de vendredi, pendant la sainte communion, il dit ces paroles à son indigne esclave, si elle ne se trompe: "Je te promets dans l'excessive

We have, then, for the genuineness of this promise the self-same testimony—that of Blessed Margaret Mary herself—which we have for the other revelations and promises made by our Divine Lord, regarding devotion to His Sacred Heart; and as we cannot doubt the genuineness of the others, neither, therefore, are we justified in doubting the genuineness of this.

It may be said, however, that the holy nun by using the phrase: “*si elle ne se trompe,*” seems to imply that she herself was not quite certain that our Lord used these words. But it requires only a slight acquaintance with her writings to convince one that this is the language of humility, not of doubt.<sup>1</sup>

The meaning of the promise is so clear and obvious, that it requires no interpretation. If these words were spoken by our Lord—and as we have seen, there are good grounds for believing that they were—the fact that their obvious meaning appears startling affords no reason why we should abandon it, and by putting a forced interpretation upon them, minimize, if not destroy the extraordinary grace promised to all who perform this act of love and homage towards the Sacred Heart. If Christ has made this promise, He will fulfil it, and it is no business of ours to inquire curiously how He will fulfil; and if He has made this promise, it is nothing short of blasphemy to prophesy or to fear, as some do, that a general belief in its genuineness would lead to laxity of morals, and neglect of the ordinary means of salvation. The same statements<sup>2</sup> have been again and again uttered regarding the promises made by our

*miséricorde de mon Cœur, que son amour tout puissant accordera à tous ceux qui communieront neuf premiers vendredis du mois, tout de suite, la grâce final de la pénitence; ils ne mourront point en sa disgrâce, ni sans recevoir leurs sacrements, mon divin Cœur se rendant leur asile assuré en ce dernier moment. Lettre 83. Vie et Œuvres, etc., t. ii., pp. 195-6.*

<sup>1</sup> Les mots *il me semble, si je ne me trompe*, et autres semblables, souvent employés par la Bienheureuse Marguerite-Marie rapportant les paroles de Notre-Seigneur, sont le fait de son humilité, et ne signifient en aucune façon qu'elle eût quelque doute sur la réalité ou la nature de la communication dont elle disait avoir été favorisée. Sa Supérieure lui avait d'ailleurs recommandé de se servir de cette formule. *Vie et Œuvres, etc., t. i., p. 160.*

<sup>2</sup> “*Notandum est, cum omnibus sceleribus consistere possas in Papatu, devotionem circa Deiparam.*” Rivetus apud Benedict XIV., *De Festis.*

Blessed Lady to St. Simon Stock, and to Pope John XXII. To the former she promised that no one dying while wearing the brown scapular should suffer hell-fire,<sup>1</sup> and to the latter, that she herself would deliver from Purgatory on the Saturday after their death all those who during life wore the same scapular, and fulfilled certain easy conditions.<sup>2</sup> And though these promises have been declared to be genuine by the highest authorities, and though the belief in their genuineness is universal amongst Catholics, so far from this belief having occasioned laxity or neglect of religion, it has, on the contrary, nourished prayer and piety, and has induced millions to live lives of holiness and self-denial. Such must necessarily be the effect of all heavenly promises when rightly understood, and when the conditions required for their fulfilment are satisfied in the proper manner and with the proper dispositions.

QUESTIONS REGARDING—1. THE STIPEND FOR ASSISTING AT A REQUIEM MASS; 2. THE “DIES IRÆ;” 3. THE MARRIAGE CEREMONY.

REV. DEAR SIR,—1. Would you kindly state how many Nocturns, in your opinion, we (Irish priests) are bound to recite or chant, *ratione stipendii*, at requiem offices?

2. In the Mass, *In commemoratione Omnium Fidelium Defunctorum*, the first verse of the last stanza of the *Dies Irae* reads:—*Huic ergo parce, Deus*. Is the word *huic* correct for this Mass of All Souls?

3. During the marriage service, the bridegroom should, of course, as representing Christ, stand at the right hand of the bride. But, at what side of the altar ought the bride and bridegroom stand? Should the marriage take place at the high altar, it would scarcely be suitable to have parties placed at the centre, between the congregation and the Blessed Sacrament.

<sup>1</sup> “Hoc erit tibi et cunctis Carmelitis privilegium; in hoc (habitu) moriens aeternum non patietur incendium.”

<sup>2</sup> “Ego mater gloriosa descendam Sabbato post eorum mortem et quos invenero in Purgatorio liberabo, et eos in montem sanctum vitae aeternae reducam.”

In the absence of any positive decree, perhaps the Gospel side, or the altar of our Blessed Lady, might be selected as most suitable for the wedding ceremony.

N. M.

1. The obligation which the acceptance of a stipend for assisting at a Requiem Office carries with it would seem to be determined by the custom of the parish or diocese in which the Office is recited. For it is to be presumed that the donor of the stipend is aware of the custom, and, if he says nothing to the contrary, that he acquiesces in it. And, indeed, if the custom has the approval of the Ordinary, even though the donor manifested his non-acquiescence in it, he could not thereby impose an obligation on those to whom he gives the stipend of doing more than the custom demands. The obligation in this case would seem to be precisely similar to that imposed by the acceptance of a *honorarium* for celebrating a private Mass. And when the amount of this *honorarium* is fixed in a diocese, a person, however much he may protest against the amount, cannot impose on a priest the obligation of saying two Masses by giving him only the *honorarium* for one. Hence, in dioceses where it is customary to recite only one Nocturn of Matins at a Requiem Office, the acceptance of a stipend obliges a priest to nothing more than one Nocturn.

2. As the *Dies irae* is printed in all missals as a part of the Mass for the Commemoration of All Souls, and as in most missals it is printed only in this Mass, it would seem certain *a priori* that it contains no word or phrase not appropriate to this Mass. But, our correspondent says the word *huic* is in the singular number, and this Mass is intended to commemorate not one, but all souls. Both statements are true, and we may remark, a similar objection may be urged against the appropriateness of this verse in a Mass celebrated for two or more deceased persons. But, the conclusions from these premises is, not that the verse is unsuitable to a Mass celebrated for several, but that it does not refer directly to the person or persons for whom the Mass is celebrated. A glance at the grammatical structure

of this and the verses of the preceding stanza will convince anyone of this :

“ Lacrymosa dies illa,  
Qua resurget ex favilla  
Judicandus homo reus ;  
Huic ergo parce Deus.”

It is evident that *huic* refers to *homo* in the preceding verse, and, consequently, is always equally appropriate, whether it be read in a Mass for all souls, or for several, or only for one.

3. We confess we cannot see the force of our correspondent's objection to the bride and bridegroom's standing opposite the centre of the high altar. Writers generally speak of their kneeling and standing *in front* of the altar, and this phrase always means opposite the centre of the altar. But Martinucci,<sup>1</sup> and after him Wapelhorst,<sup>2</sup> are still more explicit. They state that the priest stands at the centre of the predella, facing the people, and puts the interrogations, &c., to the bride and bridegroom, who are standing or kneeling in front of him. And it is to be remarked, that neither of these writers, nor any other writer whose works we have consulted, mentions that the high altar, or the altar of the Blessed Sacrament, is not a proper place for the marriage ceremony.

D. O'LOAN.

<sup>1</sup> Lib. iv., c. 12, n. 4.

<sup>2</sup> 291, n. 3.

## Documents

### LETTER OF HIS HOLINESS POPE LEO XIII. TO THE ENGLISH PEOPLE <sup>1</sup>

LEO XIII. TO THE ENGLISH PEOPLE WHO SEEK THE KINGDOM  
OF CHRIST IN THE UNITY OF THE FAITH, HEALTH AND  
PEACE IN THE LORD.

SOMETIME since, in an Apostolic letter to princes and peoples, We addressed the English in common with other nations; but We have greatly desired to do this by a special letter, and thus give to the illustrious English race a token of our sincere affection. This wish has been kept alive by the hearty good will We have always felt towards your people whose great deeds in olden times the history of the Church declares. We were yet more moved by not infrequent conversations with your countrymen, who testified to the kindly feeling of the English towards Us personally, and above all to their anxiety for peace and eternal salvation through unity of Faith. God is Our witness how keen is Our wish that some effort of Ours might tend to assist and further the great work of obtaining the reunion of Christendom; and We render thanks to God, who has so far prolonged Our life, that We may make an endeavour in this direction. But since, as is but right, We place Our confidence of a happy issue principally and above all in the wonderful power of God's grace, We have with full consideration determined to invite all Englishmen, who glory in the Christian name, to this same work, and We exhort them to lift up their hearts to God with Us, to fix their trust in Him, and to seek from Him the help necessary in such a matter by assiduous diligence in holy prayer.

The love and care of the Roman Pontiffs for England has been traditional from the days of Our holy predecessor Gregory the Great. Religion and humanity generally, and especially the English nation, owe him a deep debt of gratitude. Although prevented by the Divine call to yet higher duty, from himself

<sup>1</sup> For obvious reasons we give in the present number of the I. E. RECORD the English version of the Pope's Encyclical to the English people, but, faithful to the traditions of the RECORD, we shall give the original Latin form in our next number.—[ED. I. E. R.]



undertaking the Apostolic labour "of converting the Anglo-Saxons, as he had proposed to do whilst still a Monk, his mind remained intent upon this great and salutary design"<sup>1</sup> nor did he rest until it was accomplished. For from that monastic family which he had formed in learning and holiness of life in his own house he sent a chosen band under the leadership of Augustine to be the messengers of Grace, Wisdom, and Civilization to those who were still buried in Paganism. And relying as he did on Divine help, his hope grew stronger under difficulty, until at length he saw his work crowned with success. He himself writes of this in tones of triumphant joy in reply to St. Augustine who had sent him the news of the happy result:—"Glory be to God on high, and on earth peace to men of good will. To Christ be the glory, in whose death we live; by whose weakness we are strong, in the love of whom we seek in Britain those brethren whom we knew not; by whose mercy We have found those whom knowing not We sought. Who can tell what gladness filled the hearts of all here to know that the English race, by the workings of the Grace of God Almighty, and by your labours, My brother, has been illuminated by the light of Our holy Faith, which expels the darkness of error, and has with free mind trodden under foot those idols to which aforesaid they were subject in foolish fear."<sup>2</sup> And congratulating Ethelbert, King of Kent, and Bertha his Queen, in a letter full of affection, in that they had imitated "Helen, of illustrious memory, and Constantine, the devout Emperor,"<sup>3</sup> he strengthens them and their people with salutary admonitions. Nor did he cease for the rest of his life to foster and develop their faith in instructions dictated by holy prudence. Thus Christianity, which the Church had conveyed to Britain, and spread and defended there against rising heresy,<sup>4</sup> after having

<sup>1</sup> Joann. Diac. in vita ejus c. ii. 33.

<sup>2</sup> Epist. c. xi. 28, al c. ix. 58.

<sup>3</sup> *Ib.*, c. xi. 66, al c. ix. 60, c. xi. 29, al c. ix. 59.

<sup>4</sup> The action of St. Celestine I. was most efficacious against the Pelagian heresy which had infected Britain, as St. Prosper of Aquitaine, a writer of that time, and afterwards Secretary to St. Leo the Great, records in his chronicle:—"Agricola the Pelagian, son of the Pelagian Bishop Serverianus, tainted the Churches of Britain with the insinuations of his teaching. But at the instance of the deacon Palladius, Pope Celestine sent Germanus, Bishop of Auxerre, as his vicar (*vice sua*), and led back the British people to the Catholic Faith, having driven out the heretics." (Migne, Bibl. P. P. S. Prosp. Aquit. opp. vol. un; pag. 594.)

been blotted out by the invasion of heathen races, was now by the care of Gregory happily restored.

Having resolved to address this letter to the English people, We recall at once these great and glorious events in the annals of the Church, which must surely be remembered by them with gratitude. Moreover, it is noteworthy that this love and solicitude of Gregory was inherited by the Pontiffs who succeeded him. This is shown by their constant interposition in providing worthy pastors and capable teachers in learning both human and divine, by their helpful counsels, and by their affording in abundant measure whatever was necessary for establishing and developing that rising Church. And very soon was such care rewarded; for in no other case, perhaps, did the Faith take root so quickly, nor was so keen and intense a love manifested towards the See of Peter. That the English race was in those days wholly devoted to this centre of Christian unity divinely constituted in the Roman Bishops, and that in the course of ages men of all ranks were bound to them by ties of loyalty, are facts too abundantly and plainly testified by the pages of history to admit of doubt or question.

But, in the storms which devastated Catholicity throughout Europe in the sixteenth century, England too received a grievous wound; for it was first unhappily wrenched from communion with the Apostolic See, and then was bereft of that holy Faith in which for long centuries it had rejoiced and found liberty. It was a sad defection; and Our predecessors, while lamenting it in their earnest love, made every prudent effort to put an end to it, and to mitigate the many evils consequent upon it. It would take long, and it is not necessary, to detail the sedulous and increasing care taken by Our predecessors in those circumstances. But by far the most valuable and effective assistance they afforded lies in their having so repeatedly urged on the faithful the practice of special prayer to God that He would look with compassion on England. In the number of those who devoted themselves to this special work of Charity there were some venerable and saintly men, especially Saint Charles Borromeo and Saint Philip Neri, and, in the last century, Paul, the founder of the Society of the Passion of Christ, who, not without a certain Divine impulse, it is said, was instant in supplication "at the Throne of Divine Grace;" and this all the more earnestly that the times seemed less favourable to the realization of his hopes. We,

indeed, long before being raised to the Supreme Pontificate, were deeply sensible also of the importance of holy prayer offered for this cause, and heartily approved of it. For, as We gladly recall, at the time when we were Nuncio in Belgium, becoming acquainted with an Englishman, Ignatius Spencer, himself a devout son of the same St. Paul of the Cross, he laid before us the project he had already initiated for extending a society of pious people to pray for the return of the English nation to the Church.<sup>1</sup>

We can hardly say how cordially We entered into this design, wholly inspired by Faith and Charity, and how We helped forward this cause anticipating that the English Church would obtain abundant assistance thereby. Although the fruits of Divine Grace obtained by prayer had previously manifested themselves, yet, as that Holy League spread, they became notorious. Very many were led to follow the Divine call, and among them not a few men of distinguished eminence, and many too who, in doing so, had to make personal and heroic sacrifices. Moreover, there was a wonderful drawing of hearts and minds towards Catholic Faith and practice, which rose in public respect and esteem, and many a long-cherished prejudice yielded to the force of truth.

Looking at all this, We do not doubt that the united and humble supplications of so many to God are hastening the time of further manifestations of His merciful designs towards the English people when "the Word of the Lord may run and be glorified" (Thes. iii. 1). Our confidence is strengthened by observing the legislative and other measures which, if they do not, perhaps, directly, still do indirectly, help forward the end We have in view by ameliorating the condition of the people at large, and by giving effect to the laws of justice and charity.

We have heard with singular joy of the great attention which is being given in England to the solution of the social question, of which We have treated with much care in Our Encyclicals, and of the establishment of benefit and similar societies, whereby on a legal basis the condition of the working classes is improved. And We have heard of the vigorous and persevering efforts made to preserve for the people at large an education based on

<sup>1</sup> For this purpose he specially recommended the "Hail Mary," and obtained from the General Chapter of his Order, held in Rome in 1857, a special injunction upon its members.

religious teaching than which there is no firmer foundation for the instruction of youth and maintenance of domestic life and civil polity; of the zeal and energy with which so many engage in forwarding opportune measures for the repression of the degrading vice of intemperance; of societies formed among the young men of the upper classes for the promotion of purity of morals, and for sustaining the honour due to womanhood. For, alas! in regard to the Christian virtue of continence pernicious views are subtly creeping in, as though it were believed that a man was not so strictly bound by the precept as a woman. Moreover, reflecting men are deeply concerned at the spread of Rationalism and Materialism, and We ourselves have often lifted up Our voice to denounce these evils, which weaken and paralyze not Religion only, but the very springs of thought and action. The highest credit is due to those who fearlessly and unceasingly proclaim the rights of God and of Our Lord Jesus Christ, and the laws and teachings given by Him for the establishment of the Divine Kingdom here upon earth; in the which teachings alone strength, wisdom, and safety are to be found. The various and abundant manifestations of care for the aged, for orphans, for incurables, for the destitute, the refuges, reformatories, and other forms of charity, all which the Church as a tender Mother inaugurated, and from the earliest times, has ever inculcated as a special duty, are evidences of the spirit which animates you. Nor can We omit to mention specially the strict public observance of Sunday and the general spirit of respect for the Holy Scriptures. Every one knows the power and resources of the British nation, and the civilizing influence which, with the spread of liberty accompanies its commercial prosperity even to the most remote regions. But, worthy and noble in themselves as are all these varied manifestations of activity, Our soul is raised to the origin of all power and the perennial source of all good things, to God Our Heavenly Father, most beneficent. For the labours of man, whether public or private, will not attain to their full efficacy without appeal to God in prayer and without the Divine Blessing. "For happy is that people whose God is the Lord" (Ps. cxliii. 15). For the mind of the Christian should be so turned and fixed that he places and rests the chief hope of his undertakings in the Divine help obtained by prayer, whereby human effort is supernaturalized and the desire of doing good, as though quickened by a heavenly fire, manifests itself in vigorous and

serviceable actions. In this power of prayer God has not merely dignified man, but with infinite mercy has given him a protector and help in the time of need, ready at hand to all, easy and void of effect to no one who has resolute recourse to it. "Prayer is our powerful weapon, our great protection, our storehouse, our port of refuge, our place of safety."<sup>1</sup>

But if the prayer of the righteous man rightly avail so much with God, even in earthly concerns, how much more will it not avail one who is destined to an eternal existence for obtaining those spiritual blessings which Christ has procured for mankind by "the sacrament of His mercy." For He "Who of God is made unto us wisdom and justice and sanctification and redemption" (1 Cor. i. 30), in addition to what He taught, instituted, and effected, gave also for this purpose the salutary precept of prayer, and in His great goodness confirmed it by His example.

These simple truths are indeed known to every Christian, but still by many they are neither remembered nor valued as they should be. It is for this reason that We insist the more strenuously on the confidence which should be placed in prayer and recall the words and example of the Fatherly love of the same Christ Our Lord; words of deepest import and highest encouragement; words also which show forth how in the counsels of God prayer is at the same time the expression of our helplessness and the sure hope of obtaining the strength we need. "And I say to you, Ask, and it shall be given you; seek, and you shall find; knock, and it shall be opened to you; for every one that asketh, receiveth; and he that seeketh, findeth; and to him that knocketh, it shall be opened" (Luke xi. 9-10). And the Son of God Himself shows us that if our prayers are to be acceptable to the Divine Majesty they must be united with His Name and Merits. 'Amen, amen, I say to you if you ask the Father anything in My name, He will give it you. Hitherto you have not asked anything in My name. Ask and you shall receive, that your joy may be full' (John xvi. 23-24). And He enforces this by reference to the tender love of parents for their own children. "If you, then, being evil," He says, "know how to give good gifts to your children, how much more will your Father from Heaven give the Good Spirit to them that ask Him" (Luke xi. 13).

And how abundant are not the choice gifts contained in that

<sup>1</sup> Chrys. Hom. 30 in Gen.

Good Spirit. The greatest of them all is that hidden power of which Christ spoke when He said:—"No man can come to Me except the Father who hath sent Me draw him" (John vi. 44).

It is impossible that men grounded in this teaching should not feel drawn and even impelled to the habit of faithful prayer. With what steady perseverance will they not practise it; with what fervour pursue it, having before them the very example of Christ Himself, Who, having nothing to fear for Himself, and needing nothing, for He was God, yet passed the whole night in prayer (Luke vi. 12), and with a strong cry and tears offered up prayers and supplications (Heb. v. 7), and doing this "He wished to stand pleading before His Father as if remembering at that time that He was our teacher," as Venerable Bede, that ornament of your nation, wisely considers (in *ev. S. Joann. xvii.*). But nothing proves so clearly and forcibly both the precept and the example of Our Divine Lord in regard to prayer as His last discourse to the Apostles during those sad moments that preceded His Passion, when, raising His eyes to Heaven, He again and again entreated His Holy Father, praying and beseeching Him for the most intimate union of His disciples and followers in the truth, as the most convincing evidence to the world of the divine mission on which He was about to send them.

And here no thought is more welcome to Our soul than that happy unity of Faith and wills for which our Redeemer and Divine Master prayed in that earnest supplication—a unity which, if useful at all times even for temporal interests, both at home and abroad, is shown by the very divisions and confusions of these days, to be more than ever needful. We on Our part, watching the signs of the times, exhorting and taking thought for the future, urged thereto by the example of Christ and the duty of Our Apostolic Office, have not ceased to pray, and still humbly pray, for the return of Christian nations, now divided from us, to the unity of former days. We have more than once of late years given expression to this object of Our desires, and have devoted sedulous care to its realization. The time cannot be far distant when We must appear to render an account of Our Stewardship to the Prince of Pastors, and how happy, how blessed should We be if We could bring to Him some fruit—some realization of these Our wishes which He has inspired and sustained. In these days Our thoughts turn with love and hope to the English people, observing as we do the frequent and manifest works of Divine

Grace in their midst; how to some, it is plain, the confusion of religious dissensions which divide them is a cause of deep concern; how others see clearly the need of some sure defence against the inroad of modern errors which only too readily humour the wishes of fallen nature and depraved reason; how the number of those religious and discreet men, who sincerely labour much for reunion with the Catholic Church, is increasing. We can hardly say how strongly these and other signs quicken the charity of Christ in Us, and redoubling Our prayers from Our inmost soul We call down a fuller measure of Divine Grace, which, poured out on minds so well disposed, may issue in the ardently desired fruit, the fruit, namely, that We may all meet into the unity of Faith and the knowledge of the Son of God (Eph. iv. 13), careful to keep the unity of the Spirit in the bond of peace, one body and one Spirit; as you are called in one hope of your calling—one Lord, one faith, one baptism (*ib.*, 3-5.)

With loving heart, then, We turn to you all in England, to whatever community or institution you may belong, desiring to recall you to this holy duty. We beseech you, as you value your eternal salvation, to offer up humble and continuous prayer to God, Our Heavenly Father, the Giver of all Light, who with gentle power impels us to the good and the right; and without ceasing to implore light to know the truth in all its fulness, and to embrace the designs of His mercy with single and entire faithfulness, calling upon the glorious name and merits of Jesus Christ, Who is "the author and finisher of our faith" (Heb. xii. 2), Who loved the Church and delivered Himself for it, that He might sanctify it, and might present it to Himself a glorious Church. (Eph. v. 25-27.) Difficulties there may be for us to face, but they are not of a nature which should delay Our Apostolic zeal or stay your energy. Ah, no doubt the many changes that have come about, and time itself, have caused the existing divisions to take deeper root. But is that a reason to give up all hope of remedy, reconciliation, and peace? By no means, if God is with us. For we must not judge of such great issues from a human standpoint only, but rather must we look to the power and mercy of God. In great and arduous enterprises, provided they are undertaken with an earnest and right intent, God stands by man's side, and it is precisely in these difficulties that the action of His Providence shines forth with greatest splendour. The time is not far distant when thirteen centuries will have been completed since the English

race welcomed those Apostolic men sent, as We have said, from this very city of Rome, and, casting aside the pagan deities, dedicated the first-fruits of its faith to Christ our Lord and God. This encourages Our hope. It is, indeed, an event worthy to be remembered with public thanksgiving; would that this occasion might bring to all reflecting minds the memory of the faith then preached to your ancestors, the same which is now preached—Jesus Christ yesterday, to-day, and the same for ever, as the Apostle says (Heb. xiii. 8), who also most opportunely exhorts you, as he does all, to remember those first preachers “who have spoken the word of God,” to you whose faith follow, considering the end of their conversation (*ib.*, 7).

In such a cause We, first of all, call to Our assistance as Our allies the Catholics of England, whose faith and piety We know by experience. There can be no doubt that, weighing earnestly the value and effects of holy prayer, the virtue of which We have truly declared, they will strive by every means to succour their fellow-countrymen and brethren by invoking in their behalf the Divine clemency. To pray for oneself is a need, to pray for others is a counsel of brotherly love; and it is plain that it is not prayer dictated by necessity which will find most favour in the sight of God. The first Christians undoubtedly adopted this practice. Especially in all that pertains to the gift of faith the early ages set us a striking example. Thus it was the custom to pray to God with ardour that relations, friends, rulers, and fellow-citizens might be blessed by a mind obedient to the Christian faith.<sup>1</sup>

And in regard to this there is another matter which gives Us anxiety. We have heard that in England there are some who, being Catholics in name, do not show themselves so in practice; and that in your great towns there are vast numbers of people who know not the elements of the Christian faith, who never pray to God, and live in ignorance of His justice and of His mercy. We must pray to God, and pray yet more earnestly in this sad condition of things, since He alone can effect a remedy. May He show the measures proper to be taken; may He sustain the courage and strength of those who labour at this arduous task: may He deign to send labourers into His harvest.

Whilst we so earnestly press upon Our children the duty of prayer, We desire, at the same time, to warn them that they

<sup>1</sup> S. Aug. de dono persev. xxiii. 63.



should not suffer themselves to be wanting in anything that pertains to the grace and the fruit of prayer, and that they should have ever before their minds the precept of the Apostle Paul to the Corinthians:—"Be without offence to the Jews and to the Gentiles, and to the Church of God" (1 Cor. x. 32). For besides those interior dispositions of soul necessary for rightly offering prayer to God, it is also needful that they should be accompanied by actions and by words befitting the Christian profession—first of all, and chiefly, the exemplary observance of uprightness and justice, of pitifulness for the poor, of penance, of peace and concord in your own houses, of respect for the law—these are what will give force and efficacy to your prayers. Mercy favours the petitions of those who in all justice study and carry out the precepts of Christ, according to His promise: "If you abide in Me, and My words abide in you, you shall ask whatever you will and it shall be done unto you" (John xi. 7). And, therefore, do We exhort you that, uniting your prayer with Ours, your great desire may now be that God will grant you to welcome your fellow-citizens and brethren in the bond of perfect charity. Moreover, it is profitable to implore the help of the Saints of God, the efficacy of whose prayers, specially in such a cause as this, is shown in that pregnant remark of St. Augustine as to St. Stephen:—"If holy Stephen had not prayed, the Church to-day would have had no Paul."

We, therefore, humbly call on St. Gregory, whom the English have ever rejoiced to greet as the Apostle of their race; on Augustine his disciple and his messenger, and on those other Saints of God, through whose wonderful virtues and no less wonderful deeds England has merited the title of "Island of the Saints;" on St. Peter and St. George, those special patrons; and above all on Mary, the Holy Mother of God, whom Christ Himself from the Cross left to be the mother of mankind, to whom your kingdom was dedicated by your forefathers under that glorious title, "The Dowry of Mary." All these with full confidence We call upon to be Our pleaders before the Throne of God, that, renewing the glory of ancient days, He may "fill you with all joy and peace in believing; that you may abound in hope and in the power of the Holy Ghost" (Rom. xv. 13). Care should be taken that the prayers for unity already established amongst you Catholics on certain fixed days should be made more popular and recited with greater devotion. Especially that the pious practice of the Holy Rosary, which We Ourselves have so strongly

recommended, should flourish, for it contains as it were a summary of the Gospel teaching, and has always been a most salutary institution for the people at large. Moreover, We are pleased of Our own will and authority to add still another to the sacred Indulgences which have been granted from time to time by Our predecessors. We grant, that is, to all those who piously recite the prayer appended to this letter, to whatever nation they may belong, an Indulgence of 300 days; moreover, a plenary indulgence once a month on the observance of the usual conditions to those who have recited it daily.

Finally, may the Divine prayer of Christ Himself for unity fill up the full measure of Our desires, a prayer which on this day, through the Mystery of His most Holy Resurrection, We repeat with the utmost confidence:—"Holy Father, keep them in Thy name whom Thou hast given Me: that they may be one as We also are one. . . . Sanctify them in truth. Thy word is truth. . . . And not for them only do I pray, but for them also who through their word shall believe in Me; that all may be one, as Thou, Father, in Me, and I in Thee; that they also may be one in Us. . . . I in them and Thou in Me: that they may be made perfect in one; and the world may know that Thou hast sent Me, and hast loved them as Thou hast also loved Me" (John xvii. 11, 17, 20, 21, 23).

Finally, We desire all manner of blessings from God for the whole of the British people, and with all Our heart We pray that those who seek the Kingdom of Christ and salvation in the unity of Faith may enter on the full realization of their desires

Given at St. Peter's, in Rome, on the 14th of April, 1895, in the 18th year of our Pontificate.

TO THE BLESSED VIRGIN.—PRAYER FOR ENGLAND.

O Blessed Virgin Mary, Mother of God and our most gentle Queen and Mother, look down in mercy upon England, thy "Dowry," and upon us all, who greatly hope and trust in thee. By thee it was that Jesus Our Saviour and our hope was given unto the world; and He has given thee to us that we might hope still more. Plead for us thy children, whom thou didst receive, and accept at the foot of the Cross. O sorrowful Mother! intercede for our separated brethren, that with us in the one true fold they may be united to the Supreme Shepherd, the Vicar of thy Son. Pray for us all, dear Mother, that by faith fruitful in good works we may all deserve to see and praise God, together with thee, in our Heavenly home. Amen.

## DECISIONS AND REPLIES OF ROMAN CONGREGATIONS

QUESTIONS REGARDING "CREMATION," SUBMITTED TO THE  
SACRED CONGREGATION OF THE HOLY OFFICE

BEATISSIME PATER,

Archiepiscopus Friburgensis ad pedes S. V. provolutus humillime petit sequentium dubiorum resolutionem.

I. Utrum liceat sacramenta morientium ministrare fidelibus qui massonicae quidem sectae non adhaerent, nec ejus ducti principiis, sed aliis rationibus moti, corpora sua post mortem cremanda mandarunt, si hoc mandatum retractare nolint?

II. Utrum liceat pro fidelibus, quorum corpora non sine ipsorum culpa cremata sunt, missae sacrificium publice offerre vel etiam privatim applicare, itemque fundationes ad hunc finem acceptare?

III. Utrum liceat cadaverum cremationi cooperari, sive mandato ac consilio, sive praestita opera, ut medicis, officialibus operariis in crematorio inservientibus? Et utrum hoc liceat saltem, si fiat in quadam necessitate aut ad evitandum magnum damnum?

IV. Utrum liceat taliter cooperantibus ministrare sacramenta, si cooperatione desistere nolunt, aut desistere non posse affirmant?

Feria IV. die 27 Julii 1899. In congregatione generali S. Rom. et Univ. Inquisitionis, propositis suprascriptis dubiis, praehabitoque Rmorum DD. Consultorum voto, Eññi ac Rññi Cardinales, in rebus fidei et morum Generales, Inquisitores, respondendum mandarunt:

Ad I. Si moniti renuant, *Negative*. Ut vero fiat aut omittatur monitio, serventur regulae a probatis auctoribus traditae, habita praesertim ratione scandali vitandi.

Ad II. Circa publicam S. Missae applicationem, *Negative*; circa privatam. *Affirmative*.

Ad III. Nunquam licere formaliter cooperari mandato vel consilio. Tolerari autem aliquando posse materiale cooperationem, dummodo: 1º crematio non habeatur pro signo protestativo massonicae sectae; 2º non aliquid in ipsa contineatur quod per se directe atque unice exprimat reprobationem catholicae doctrinae et approbationem sectae; 3º neque constet officiales et operarios catholicos ad opus adstringi vel vocari in contemptum catholicae religionis. Caeterum quamvis in hisce casibus

reliquendi sunt in bona fide, semper tamen monendi sunt ne cremationi cooperari intendant.

Ad. IV. Provisum in praecedenti. Et detur decretum feriae IV. 15 Decembris 1886. Quod quidem decretum ita se habet.

“Quoties agitur de iis, quorum corpora non propria ipsorum, sed aliena voluntate cremationi subiciantur, Ecclesiae ritus et suffragia adhiberi posse tum domi, tum in ecclesia, non autem usque ad cremationis locum, remoto scandalo. Scandalum vero removeri etiam poterit si notum fiat cremationem non propria defuncti voluntate electam fuisse. At ubi agatur de iis qui propria voluntate cremationem elegerunt, et in hac voluntate certo ac notorie usque ad mortem perseverarunt, attento decreto feriae IV. 19 Maii 1886, agendum cum iis juxta normas Ritualis Romani, Tit. ‘*Quibus non licet dare ecclesiasticam sepulturam.*’ In casibus autem particularibus, in quibus dubium vel difficultas oriatur, consulendus erit Ordinarius, qui accurate perpensis omnibus adjunctis, id discernet quod magis in Domino expedire judicaverit.

“Sequente vero feria ac die SSmus D.N.D. Leo Div. Prov. Papa XIII. relata sibi Emorum ac Rmorum Patrum resolutionem benigne adprobare et confirmare dignatus est.”

J. MANCINI, S. R. et U. I. Notarius.

## THE PUBLIC SCHOOLS OF THE UNITED STATES

QUUM ALIQUIS EPISCOPUS STATUUM FOEDERATORUM, HODIERNIS EXTANTIBUS CONTROVERSIIS CIRCA QUAESTIONEM SCHOLARUM, SEQUENTIA PROPOSUISSET.

### *Dubia.*

I. Utrum sensum decreti No 196 Consilii Plen. Baltimorensis III. et praecipue verba; “Omni qua valemus auctoritate praecipimus,” bene intellexerim?

II. Utrum Ordinarius habeat facultatem cum debita prudentia parentes, mala voluntate ductos, liberos ad scholas publicas mittentes, sacramentorum receptione indignos censere donec resipuerint?

III. Utrum decretum synodale supra memoratum et in futuro sustineri valeat?

EMUS. CARDINALIS *Praefectus ita reposuit.*

ROMAE die 4 Februar. 1895.

ILLUSTRISIME AC REVME DOMINE

Maxima quidem laude dignus est zelus Amplitudinis tuae pro religiosa instructione puerorum istius dioeceseos. Id enim consonum est dispositionibus vestri Concilii Plenarii Balt III. et etiam intentioni Sanctitatis Suae prout constat ex recentissima Ejusdem Encyclica epistola ad Episcopos Statuum Foederatorum Americae Septentionalis: attamen quoad *modum* obligandi catholicos genitores, ut filios mittant ad scholas parochiales, id relinquitur prudenti judicio Ordinariorum, qui attentis specialibus adjunctis temporum, locorum, et personarum, in quibus versantur, id pro sua sapientia decernunt quod magis expediens et efficax existimant pro attingendo exoptato fine.

Interim Deum precor ut te diu sospitet,

Amplitudinis Tuae, Addictissimus Servus.

M. CARDINALIS LEDOCHOWSKI, *Praef.*

MAY A PRIEST ATTEND AS A CIVIL WITNESS AT THE  
MARRIAGE OF PROTESTANTS?

R. P. D. FRANCISCO JANSSEN, ARCHIEPISCOPO NEO AURELIAE.

ILLME AC REVME DOMINE.

Hac occasione respondens alteri tuae epistolae mihi datae 27 Decembris proxime elapsi in qua petis utrum liceat sacerdoti catholico tanquam ministrum civilem se habere in celebratione matrimoniorum Protestantium, Amplitudini Tuae significo id licitum esse; hoc enim casu sacerdos est tanquam testis auctorizabilis.

Interim vero Deum precor ut te duitissime sospitet.

A. T. ADDICTISSIMUS SERVUS.

M. CARD. LEDOCHOWSKI, *Praef.*

DECREE OF THE SACRED CONGREGATION OF THE COUNCIL  
REGARDING CLERICS WHO LEAVE THEIR DIOCESE AND RESIDE  
IN ROME, WITHOUT PERMISSON FROM THE ORDINARY

CLERICI DESERENTES DIOCESIM SINE LICENTIA EPISCOPI.

(E VICARIATU URBIS.)

*Notificatio.*

Decretum S. C. Conc. *Anteactis temporibus*, Vigeat a Die 22  
C. Mensis.

Certiorantur Rni Sacerdotes non diocesani, in hac Alma Urbe  
VOL. XVI. 2 N

commorantes, de sequenti S. Congreg. Concilii decreto, quod pleno pollebit vigore sub die 22 currentis mensis.

Rmis Ecclesiarum Rectoribus committitur, ut praesentem Notificationem in Sacristiis, juris publici faciant.

Romae, e Vicariatu, die 2 Januarii 1895.

L. M. CARD. VICARIUS.

P. CAN. CHECCHI, *Secret.*

#### DECRETUM.

##### S. CONGREGATIONES CONCILII.

*Saepius Conquesti Sunt Ordinarii de Clericis Suam, Sine Licentia Deserentibus Diocesim, Ut Urbem Peterent. Unde Praeter Ordinaria Juris Remedia, SSsmus Quinque Probavit Ad Hunc Compescendum Abusum, Dispositiones.*

Anteactis temporibus non defuerunt apud Apostolicam Sedem Episcoporum querelae de clericis, qui suam deserentes dioecesim ad Urbem citra necessitatem et iustam causam pro lubitu demigrabant: et in singulis casibus, prout ferebat occasio, provisum tunc fuit. At nostra aetate hic abusus invalescere et eo gravior fieri visus est, quo magis in pluribus dioecesibus sacerdotum imminutus est numerus: et idcirco ab Ordinariis non semel postulationes exhibitae sunt ut eidem prospiceretur. Profecto tum ex veteri Ecclesiae disciplina, tum praesertim ex praescriptionibus S. Conc. Trid., cap. 2º, sess. 21, et cap. 16, sess. 23 *De reform.*, ac subsequentibus S. Congregationis resolutionibus, liquet non deesse Episcopis iuris remedia quibus hanc clericorum licentiam coerceant. Ob suarum enim ecclesiarum necessitatem Ordinariis perspicue ius est interdicens, ne sacerdotes quamvis ad patrimonii titulum ordinati propriam dioecesim deserant, eoque revocandi quamvis alibi, et adeo etiam in Urbe, per apostolicas litteras residentiale beneficium assequutos si citra Ordinarii beneplacitum discesserint, eisque praebetur unde honeste in sua dioecesi vivere possint. Hoc constanti disciplina retinuit S. Congregatio uti inter alia luculenter patet ex resolutione in causa *Reatina* diei 16 Januarii, 1833.

Quapropter praedictis Episcoporum postulationibus S. Congregationis iudicio nuperrime subiectis, Emi Patres responderunt, satis provisum per superius memoratas sacrorum canonum dispositiones.

Nihilominus cum plures Episcopi, praesertim e proximis Urbis regionibus, etiam in unum collecti, postulationibus alias oblati

institerint, et impense a Summo Pontifice efflagitaverint, ut aliquid hac in re peculiariter decerneretur, quo efficacius huic ecclesiasticae disciplinae perturbationi occurrì posset, SSmus Dñus Noster Leo PP. XIII., omnibus mature perpensis, et iuxta ea quae sequuntur per Sacram Concilii Congregationem praescripsit ac statuit :

1. Clerici et sacerdotes saeculares alienae dioecesis aut etiam regulares extra claustra degentes nequibunt in posterum stabile domicilium in Urbe statuere absque expressa venia Summi Pontificis per officium S. Congregationis Concilii impetranda.

2. Qui vero in praesens Romae degunt, si nullo beneficii aut officii titulo ad residendum adstricti sunt, nec per diuturnam commorationem et tacitam aut expressam suorum Episcoporum licentiam domicilium Romae acquisierint, post mensem a die huius decreti elapsum ad suam dioecesim redire debebunt.

3. Nullus ex clericis et sacerdotibus alienae dioecesis ad ecclesiasticum officium, quodcumque sit, aut ad aliud munus quod residentiam in Urbe requirat, eligi a quoquam in posterum poterit, nisi praeter testimoniales commendatitias sui Episcopi litteras exhibeat quoque veniam a Summo Pontifice iam obtentam Romae manendi : itemque nemini beneficium conferatur, si assensum Ordinarii sui ad hoc non obtinuerit : atque aliter facta beneficii collatio nulla et irrita erit.

4. Qui ad litterarum scientiarumque studiis operam dandam vel ad honesta negotia peragenda, vel ex alia iusta causa in Urbe cum Ordinarii licentia versantur, statim ac temporaria huiusmodi causa cessaverit, vel a proprio Episcopo revocentur, ad propriam dioecesim redire debebunt, exclusa omni futile excusatione, ac praesertim, ob peculiarem dioecesium his temporibus conditionem, nullatenus eisdem suffragante exceptione sive ex susceptis studiis sive ex praetensa tenuitate sustentationis ab Episcopo oblatae desumpta : quod si durante hac eorum commoratione in Urbe sese, uti decet, non gesserint, per Vicariatum Urbis proprii Ordinariis denunciabuntur, et ab Urbe discedere cogentur.

5. Quicumque denique, quolibet modo, praesentibus dispositionibus se non conformaverit, aut, quod Deus avertat, eisdem contraiverit, ipso facto suspensioni a divinis obnoxius fiet.

Ceterum Episcopi omnium clericorum suorum aequae curam gerant, neque uti saepe dolendum, e sua diocesi eos abire facile sinant qui seu vitae ratione, seu aliis quibuscumque causis sese reprehensione dignos aut molestos exhibeant.

Haec itaque omnia Sanctitas Sua ab omnibus ad quos spectat, custodiri et inviolabiliter servari mandavit, contrariis quibuscumque etiam peculiari mentione dignis minime obstantibus.

Romae ex aedibus S. C. Concilii die 22 Decembris, 1894.

A. CARD. DI PIETRO, *Praefectus*.

L. SALVATI, *Secretarius*.

# FURTHER INDULGENCES FOR THE CONFRATERNITY OF "THE HOLY FAMILY"

ADM. REV<sup>do</sup> P. PATRICIO GRIFFITH, C.S.S.R. RECTORI S. ALPHONSI, LIMERICI.

[COPIA.]

R. P. Petrus Blérot, Sacerdos [Congregationis SS. Redemptoris, et Moderator generalis Archiconfraternitatis a S. Familia Leodiensis, ad pedes V. S. provolutus humiliter exponit quae sequuntur.

Praedieta Archiconfraternitatis quae ex declaratione expressa S. C. Rituum sub die 15 Februarii 1894 etiam post Litteras apostolicas "Neminem latet" immutata permanet, consuevit Sodalibus eo die quo solemniter sese S. Familiae Jesu, Mariae, Joseph, consecrant et in album adscriptorum Archiconfraternitatis referuntur numisma benedictum S. Familiae tradere, quod in coetibus publicis tanquam insigne Archisodalitatus in pectore gestant. Quo autem exactius pium hunc usum observent, orator supplicat, in gratam etiam memoriam Jubilaei Aurei quem sub auspiciis Apostolicae benedictionis sanctitatis vestrae et maximo cum fructu celebravit, ut Sodales Indulgentiam centum dierum acquirere valeant quotiescumque exercitiis Archiconfraternitatis intervenientes numisma S. Familiae publico in pectore gestant, dummodo dicant etiam patrio sermone hanc invocationem: *Jesu, Maria, Joseph nobis concedite perseverantiam in bonis operibus usque ad mortem.*

Et Deus, etc.

S. Congr. Indulgentiis Sacrisque Reliquiis praeposita utendo facultatibus a SS. D. N. Leone Papa XIII. Sibi Specialiter tributis benigne concessit ut quoties praefatae Archiconfraternitatis Sodales memoratum sacrum numisma publice gestantes in pectre simulque suprarelatam in precibus jaculatoriam precem corde saltem contrito ac devote recitantes piis exercitiis quae



nomine ejusdem Archiconfraternitatis peragi solent interfuerint, toties Indulgentiam *Centum* dierum lucrari valeant.

Praesente in perpetuum valituro absque ulla Brevis expeditione, contrariis quibuscunque non obstantibus.

Datum Romae

ex Secriá ejusd. Congregationis die 8 Feb. 1895.

(Sig) P. IGNATIUS CARD. PERSICO, *Praefectus*.

L ✠ S

(Sig) ✠ A. ARCHIEP. MICEPELIT, *Secretarius*.

In fidem Copiae

JOAN. MAGNIER, C.S.S.R.

Cons. Gen.

Ex arch-Proc. Generalis die 28 Apr. 1895.

# LEAVES FROM THE ARCHIVES OF THE "PROPAGANDA" 1693-1699.

EMINENTISSIMIS AC REVMIS. SACRAE ROMANAE ECCLESIAE  
CARDINALIBUS CONGREGATIONIS DE PROPAGANDA FIDE

EMINMI. AC REVM. DOMINI

Gerardus Doudal Sacerdos Hibernus quondam Collegii Ludovisiani de Urbe Alumnus, humiliter exponit quomodo octo ab hinc annis Sacrum hoc Collegium dignatum fuit ei procurare a Sua Sanctitate felicis memoriae, duo simplicia Beneficia in civitate Leodiensi ob sex libros ab ipso die noctuque compositos in lingua Anglicana, post incarcerationem duorum annorum et octo mensium Londini in Anglia, una cum centum aliis sacerdotibus quorum quadraginta martyrium subierunt, et reliqui sexaginta ~~superstites~~, uti et Orator vester, fuerunt regno expulsi, sub poena vitae nunquam reversuri. Sed cum praefata duo Beneficia non valeant sustentare Oratorem vestrum quinque mensibus in anno, multo minus typis mandare ipsius libros, licet sint tam necessarij pro conversione Haereticorum, et instructione Orthodoxorum in regnis Hiberniae, Angliae et Scotiae ac unquam fuerunt in dicto idiomate adhuc impressi; prout apparet ex ipso Titulo nimirum, "De expositione omnium rerum scitu necessariarum in Ecclesia Dei, autoritate Sacrae Scripturae in omnibus articulis fidei: nec non, De relatione praecipuarum rerum quae contigerunt in eadem Ecclesia ab origine mundi usque nunc, in mille quingentis capitibus;" ita ut, si nullus adfuisset sacerdos in dictis tribus

regnis, qui uterentur dictis libris, melius instruerentur in doctrina Orthodoxa, quam Catholici degentes in sua patria. Et ideo Cardinalis Pauluccio dum Coloniae Agrippinae Legati munus obiret, jussit oratorem vestrum traducere in sermonem latinum plura capita, quae dixit se misisse ad hanc Sacram Congregationem, sed responsum acceperisse Typographum Apostolicum pro tunc occupatum fuisse impressione aliorum librorum. At modo quoniam Impressio praefatorum librorum simul charta constabit bis mille scutis Romanis; Hinc orator vester innixis precibus supplicat hanc Sacram Congregationem, nomine omnium Catholicorum in regnis Hiberniae, Angliae et Scotiae, qui non audiunt unam concionem in decem annis, et ideo ingemiscunt defectu horum librorum, ut si grave sibi videatur expendere dictos nummos pro impressione istorum librorum. ei procurare dignetur unum Canonicatum a Sua Sanctitate in aliquo loco mundi, quo mediante praedicti libri typis committi queant. Interim non graventur Eminentissimae Dominationes Vestrae annuere Oratori suo aliquid subsidii pro sua sustentatione hoc hyemali tempore, qui zelo inserviendi Deo et proximo tam arduum iter in sua senectute Colonia Agrippina hucusque suscepit; vel eo maxime quod nequeat celebrare Missam sine peruca, ne chatarris suffocaretur, quam licentiam Sanctitas Sua elargiri negavit, e contra oratorem vestrum ad hanc Sacram Congregationem pro sustentatione vitae habenda remisit. Et orator vester Deum optimum maximum pro hac Sacra Congregatione precari non desistet.

Memorialis ad Sacram Congregationem de Propaganda Fide,  
pro

GERARDO DOUDAL Sacerdote Hiberno.

31 Jan. 1702.

*Dentur scuta viginti pro viatico in actu discessus; et commendetur Nuntio Coloniae, vel Internuntio Bruzellis.*

(Handwriting of Card. Colledredo.)

EMMO. E REVMO. SIGNORE,

Nicola Plunchetti Sacerdote Hibernese Dottore in Filosofia e Theologia, già alunno del Collegio di Propaganda Fide, et hora mantenuto dalla Sacra Congregatione nel convitto de'Padri Missionarii, venendo esortato da Monsignor Secretario a restituirsi alla sua patria si dichiara pronto ad ubidire, con supplicar però l'Eminenza vostra a degnarsi di riflettere benignamente.

1. Che più di mille del Clero tanto secolare quanto regolare

hanno dovuto cedere alla violenza della presente persecuzione d'Ibernia, quantunque habbiano havuto più sperienza e non minor obbligo ne zelo dell' Oratore.

2. Che in vigore delle presente leggi chiunque dava ricovero, aiuto, o favore di qualsisia sorte ad alcun missionario in Hibernia, incorre nella confiscatione di tutti li Beni, la metà de' quali s'applica al dilatore; e sapendo li Cattolici per esperienza che ogni minimo pretesto serve al presente governo per angariarli, si sono dichiarati che non ponno ricevere alcun missionario che habbia studiato fuori del Regno.

3. Che cresce notabilmente il pericolo dell' Oratore per esser egli nipote carnale di Monsignor Plunchetti condannato a morte dal Parlamento sotto pretesto d' aver tenuto segreta intelligenza con la corte di Roma per machinare rebellion in Hibernia.

4. Che li Parenti più stretti dell' Oratore hanno havuto sotto il presente governo il bando perpetuo di vita dalla Patria.

Quando però l'Eminenza vostra si stimi espediente che non ostante tutto ciò l'Oratore ritorni in quelle parti, supplica la somma pietà dell' Eminenza vostra a degnarsi d' interporre li suoi efficacissimi officii apresso la Sacra Congregatione di Propaganda Fede, acciò l'Oratore resti graziato d'un annuo assegnamento per mantenersi.

Et Deus, &c.

All'Emo. e Revmo. Signore, il Sig. Cardinale COLOREDO,  
per

NICOLA PLUNCHETTI Sacerdote Hibernese.

25 Jul. 1698.

*Detur viaticum, et continuatur provisio etiam in Belgio, quo se conferat ut possit esse promptus Missioni Irlandiae.*

In Congregatione de Propag. Fide

Feria 2. 12 Jan. 1699.

Supplicandum SSmo. ut dignetur committere facultatem D. Internuntio Belgii providendi administratores Sacramentorum in illa insula (Hibernia) cum facultatibus opportunis, et fiat instructio iisdem utendi ad biennium.

(Handwriting of Card. Colledredo.)

EMINENTISSIME DOMINE,

Patritius Garly presbyter hybernus alumnus Universitatis Duacensis in Belgio, confessor, praedicator et missionarius approbatus ut litteris Superiorum constat; zelatus pro Deo et

**Patria**, in Urbe a tribus mensibus devotionis causâ commoratus, resolutus non obstante persecutione violenta ibidem modo ingruente, missionem in patriam facere, sub sacris Congregationis de Propaganda Fide auspiciis, vestrae Eminentissimae Dominationis suffragium petit. Mediis ad istud iter et munus obeundum indiget, petit tantum eousque viaticum, sperat ibi divina gratia adiuvente bonos fructus facere, ad hunc finem memorialibus cum litteris testimonialibus sufficientibus in manibus illustrissimi D. Fabronii dictae Sac. Cong. secretarii reliquit, totum quod sacrae tuae, nec non reliquorum Eminentissimorum Cardinalium vigilantiae et providentiae erga Ecclesiam Dei recommendat, responsumque cum omni humilitate expectat.

Ad Eminentissimum Dominum D. Cardinalem de Colloredo M. Sanctitatis Suae Poenitentiarium

Patritii Garly Sacerdotis hyberni pro suo suffragio gratiosissimo super intra contentis ad Sacram Congregat. de Propaganda Fide.

13 Jan. 1697

*Dentur 25 Scuta pro viatico usque Bruxellas, et si in Hiberniam intrabit habebitur 50.*

(Handwriting of Card. Colloredo.)

## Notices of Books

**CATHOLIC AND PROTESTANT COUNTRIES COMPARED.** By Rev. Alfred Young. Paulist. New York: The Catholic Book Exchange.

THIS masterly and exhaustive work, attractively written and splendidly brought out, merits all the praise we can award it. Though it is intended more immediately for the American public, it affords most interesting and valuable information, that must prove of immeasurable service to the religious controversialist, even on this side of the Atlantic. Its title at once shows that its aim is impartially to "survey mankind from China to Peru," and to compare the educational, social, and moral aspects of Catholic countries and Protestant countries, Catholic cities and Protestant cities, of pretty equal populations. The statistics are taken from state or municipal records; the testimonies adduced

are altogether culled from the writings of Protestants. The only statement in the work, that the unprejudiced reader will have any difficulty in assenting to, is that it was "somewhat hastily prepared." No; it is too elaborate, comprehensive, methodic, and calm-toned, to have been prepared in haste.

Some years ago, when Orange bigotry was ransacking its well-stored arsenals of calumny for weapons to hurl against the supporters of Home Rule in this country, one of the contentions most confidently and frequently put forward in pamphlet and on platform, was the alleged backward and half-civilized condition of Catholic countries, whose interests were not controlled by the saving influence of Protestant power. Such transparently false, but catching charges were mostly the utterances or statements of certain Ulster fanatics. Time and observation have gradually opened the eyes of unbiassed Englishmen to the utter falsehood and injustice of such a gross calumny. In the not distant past, however, blind bigotry was as rampant and as unapproachable to reason in England, as it is at present in the hottest hotbed of Orangeism in Ulster. But, as Father Young, with that polemical astuteness that is nowhere missing throughout his entire work, abundantly shows, there have at all periods arisen, even in the midst of the Protestant ranks themselves, unbiassed and outspoken witnesses of the truth. The following passages from Lord Macaulay are not unfamiliar to our readers:—"There is not, and there never was, on this earth, a work of human policy so well deserving of examination as the Roman Catholic Church. She is still sending forth to the farthest ends of the world, missionaries as zealous as those who landed in Kent with Augustine, and still confronting hostile kings with the same spirit, with which she confronted Attila. The number of her children is greater than in any former age. Her acquisitions in the New World have more than compensated her for what she has lost in the Old. She was great and respected before the Saxon had set foot on Britain—before the French had passed the Rhine—when Grecian eloquence still flourished in Antioch—when idols were worshipped in the temple of Mecca."

"We often hear it said that the world is becoming constantly more and more enlightened, and that this enlightening must be favourable to Protestantism, and unfavourable to Catholicism. We wish that we could think so; but we see great reason to doubt whether this be a well-founded expectation."

And in his *Recollections of Manilla*, Robert MacMicken, a strong Presbyterian Scotchman, supplies the following weighty testimony:—"The Catholic Church has for a long period proved that she is the most simple and efficacious instrument for the preservation of order and good government."

In his chapter on Civilization in England and in Ireland, the able writer presents, in a condensed and striking form, facts, which, though well known to us, he invests with a freshness that makes their perusal irresistibly interesting. His quotations, illustrative of the low level of Christian knowledge and morality among English operatives, reveal incomprehensible scenes of degradation, in the very bosom of the highest—as it is boasted—civilization on the earth." Regarding Ireland, Mr. Lester, a distinguished American traveller, and, like the other writers quoted from, a Protestant, furnishes the following extracts:—"To a distant observer, that beautiful island appears like a city of ruins in the saddened light of evening. Her glory and her strength seem departed for ever. The complaint of poverty and the cry of suffering are more heartbreaking than her most plaintive melodies. Every cruelty and outrage that can dishonour our nature was perpetrated by the English vampires who infested the land."

The chapter headed "Good Manners" is replete with information, as entertaining as it is instructive. There Spain is justly awarded the palm for simple refinement, unostentatious charity, and generous hospitality. An English traveller, Mr. Scott, is quoted as saying:—"There is no such thing as a Spanish snob; that odious social monstrosity is indigenous only to Anglo-Saxon soil."

Two facts are made painfully manifest by the evident necessity that arose for the publication of the clever and learned work we are reviewing, and by the existence, disclosed in its pages, of numerous and energetic semi-political and semi-religious associations bitterly hostile to all Catholic interests. The first is that religious bigotry of the most rank and noxious type, flourishes even on the free soil of the great American Republic. To what other origin is the genesis of the trouble about public schools, and of endless other troubles traceable? The second is, that the Catholic cause is confronted with the same manner of battalions and weapons, in the field of politics, in the United States, as it is

here at home. Religious bias is a staple element in the political equipment of our adversaries.

Father Young's book cannot fail to undo many a cleverly-woven web of calumny, and to stem the foul current of misrepresentation that is deluging the unthinking and ill-informed minds of the Protestant masses in the States. May its conquests be widespread and enduring !

E. M.

THE WATCHES OF THE SACRED PASSION, WITH BEFORE AND AFTER. By Father P. Gallwey, S.J. 3 Vols. London: Art and Book Co.

THIS is a book to be handled reverently, and to be kept carefully for oneself. It must have taken a long time to write, and no one could write it except a man of great industry, of exceptional ability, and of profound sympathy with the subject. It may not be read hurriedly without great loss. We are asked by the author to stay in and about Jerusalem from mid-Lent to Ascension Day. Two carefully-executed maps, one of Jerusalem, and the other of Mount Olivet, help us to fix the imagination on the scenes which are depicted in language at once elegant and simple. We have rarely, if ever, met a book in which the Sacred Scripture of the Old and New Testament is made use of so copiously and so suitably as it is in the *Watches of the Passion*. The divine word seems to have occurred to the saintly author exactly at the time when no other language could speak his thoughts so well. Though professedly a book for contemplation, it will be also found an admirable book for spiritual reading. Nor is this all. It is a history of the Sacred Passion long drawn out at once critical and descriptive, so that the reader may pause to contemplate after the plan of St. Ignatius, the scenes of the passion, or follow the historical sequence of events, or may have recourse to the work as a guide to the meaning of disputed passages in the Gospel history of the Passion and Resurrection. The plan of the book is designed accordingly. The "Before," from the raising of Lazarus to the Pasch, occupies four chapters. Then begin the Watches. "During the first night-watch, from sunset until nine, our Blessed Saviour is in the supper room. During the second watch, from nine to midnight, in the garden. During the third, from midnight to the cock-crow, in the house of Annas and the judgment-hall of Caiphas. During the fourth watch, from cock-crow till daybreak, in the hands of

the servants. After daybreak, during the first watch, from six till nine, the Council of the Sanhedrim meet, and after condemning him, lead him to Pilate, to Herod, and back to the Pretorium, to be degraded below Barabbas. During the second watch, from the third hour (that is from nine o'clock) to mid-day, He is scourged, crowned, and presented to the people, condemned, and led to Calvary, and crucified. From mid-day till the ninth hour, the third watch, he hangs on the cross." These take up the great body of the book. The "After," which is not the least interesting part of it, comprising the events from our Lord's death to His ascension, occupies the greater part of the third volume. The chapters are divided in "scenes," and the scenes subdivided in "stations," while the critical matter is introduced here and there in smaller print. We should have stated that the first volume opens with an exhaustive, lucid, and practical dissertation on St. Ignatius' method of contemplation.

We resist the strong temptation which we feel to bestow lavish praise on those volumes, for praise is too commonplace, too mundane a thing for a tribute to a work which, though a literary success, is mainly a supernatural growth. The author somewhere remarks: "We often see a large apartment filled with the beautiful and softened light that comes from the lamp with its coloured shade upon it. Even so from Calvary, under its veil of darkness, there is spread over the Christian world a mellow, and softened and hallowed light; sad, if you will, and mournful, but so beautiful, so consoling, so full of loveliness and heavenly grace, that it has sufficed to draw away the hearts of men from all that this world can offer."

To those who are sick of the gaudy shows of this world, and who are in quest of this "softened and hallowed light," we recommend the *Watches of the Passion*. We recommend it to all who wish to have in their possession in this age of indifferent publications, a book which is a lamp of truth, shaded by the thoughts of a master of the spiritual life.

T. P. G.



**PSYCHOLOGIA RATIONALIS SIVE PHILOSOPHIA DE ANIMA HUMANA IN USUM SCHOLARUM.** Auctore Bern. Boedder, S.J., cum approbatione Rev<sup>m</sup>i Archiep Friburg. 344 pp. Friburgi Brisgoviae: Sumptibus Herder.

WE have great pleasure in introducing to our readers another volume of the *Cursus Philosophicus*, four volumes of which have already been noticed in our columns. To say that this treatise is well up to the high standard of excellence of its predecessors, would be very great praise; yet, this is the very least that must be said of the *Psychologia Rationalis* of Father Boedder.

By reason of its subject-matter, as well as by reason of its relation to other sciences, rational psychology is the most interesting, and, we may almost add, the most important treatise in the whole course of philosophy. The term *rational psychology* is sometimes used in contradistinction to *experimental psychology*; but that is not the sense in which it is used by the author. It means the science by which, from a scientific examination of the vital operations of man, we learn the nature of their principle—namely, the soul. Now, as nothing can possess greater interest or importance for selfish man than himself, it seems clear that no science can be more interesting or important than that which has for its subject-matter the human soul. Doubtless the psychologist cannot get a direct knowledge of the soul; but from the various vital operations of man he can learn a great deal about the nature and properties of the soul; about its origin, its duration, its end, its connection with the body, &c. But it is not by the subject-matter alone that we are to judge of the interest and importance of rational psychology. A good knowledge of this science implies an acquaintance with several other sciences. Psychology not only derives arguments and guidance from them, but also it has to meet difficulties arising from them, and occasionally to correct their errors. But if psychology is indebted to other sciences, many other sciences are dependent on psychology. Without sound psychology it would be impossible for a philosopher to have a sound system of philosophy; it would be impossible, too, for a theologian to teach the truth in many treatises of theology. Even some of the experimental sciences, especially biology, in some important matters, depend on psychology. If, for instance, the biologist once grasped the fact, that in the animal that he knows best, *i. e.*, himself, there is one principle of life which not merely presides

over, but causes all the different kinds of vital actions, he would have made a good beginning in the science of life. It is the persistence with which many eminent scientists ignore this central truth of psychology that keeps "science in fetters," as Mr. Mivart writes; and, instead of intelligible answers, gives fanciful hypotheses shrouded in a mist of technical terms.

For variety of contents, thoroughness of treatment of the important propositions, copiousness of objections, as well as general clearness of exposition and cogency of proof, Father Boedder's book must be pronounced to be the best Latin handbook of Psychology that has appeared. We have seen several interesting questions and several most important objections in this book, which we looked for in vain in many others. In replying to objections, however, unguarded answers which may easily provoke a retort, have in a few instances been given. One important and pleasing feature of the book is, that it is quite up-to-date. It deals either in objections or in special articles with the most modern phases of thought, especially in England. Quotations in English are met with occasionally, and references to books and magazines (among them the *I. E. RECORD*), written in English, occur frequently.

Anyone who will even cursorily read the book, must admit that the distinguished author of the *Stoneyhurst Natural Theology* has gained fresh laurels by the publication of this volume.

M. B.

**THE DATA OF MODERN ETHICS.** Examined by Rev. John J. Ming, S.J., Prof. of Moral Philosophy, Canisius' College, Buffalo, N.Y. New York, Cincinnati, and Chicago: Benziger Brothers.

THE most advanced evolutionary theory possesses attractions, even for its most orthodox opponents. Though the conclusions of the evolutionists be rejected, the facts of natural history, which they bring together as data for those conclusions, are always interesting, and often almost fascinating. Moreover, an exhibition of ingenuity, or a display of courage, is always attractive, and the evolutionists display a wonderful amount of ingenuity and intellectual courage. To educe from the primordial nebula, all living things, even man himself, endowed as he is with the power of thought and volition, requires considerable courage; but evolutionists do not shrink from the task, and their ingenuity

almost excels their courage. Neither does courage or ingenuity fail them in completing their system by elaborating an ethical theory. They claim, moreover, that their ethical system is as much superior to the time-honoured Christian system as their knowledge of the material universe is to the simple fables of the ancients or the exploded theories of the middle ages.

To put to the test this claim, Father Ming "sets forth to the view of the reader the ancient basis to be destroyed, and the new one to be substituted for it, as a support of the moral order." In explaining the fundamental principles of the ancient, yet not antiquated, system of ethics, the author has little, if anything, that is new. This need not surprise us, for where the principles of a science are fixed and unchangeable, striking originality could not be expected. But he arranges the propositions and proofs, and arrays them against the tenets of his opponents in a manner that is entirely his own.

On one's views about the ultimate end of man must depend one's system of ethics. The Epicurean error, that pleasure is man's ultimate end, reappears, and becomes the basis of modern ethics. Of course there are many variations. Some say that the ultimate end consists in proximate, others in remote pleasure; some place it in the pleasure or happiness of the individual, others in the happiness of the race. But against all Father Ming insists upon the old system in which God is the ultimate end. He proves the old and rejects the new, or rather the modernized system. He points out the baneful consequences of all kinds of hedonism, as well as the numerous contradictions contained in them. He shows that the utilitarians set up a standard of morality that is inapplicable, and devise a code of regulations that have no sanction. He confutes evolutionists like Herbert Spencer, who hold that man is a mere mechanism, acting in accordance with fixed principles registered in the nervous system, yet assert that pleasure may move him to act. We regret, however, that the ethical system of Mr. Spencer is not given with greater fulness.

All who wish to learn with safety the chief ethical tenets of modern philosophers should read Father Ming's book. The hedonistic systems are not only explained clearly, but refuted forcibly.

M. B.

**THE PRINCIPLES OF THE RELIGIOUS LIFE ; OR, AN EXPLANATION OF THE CATECHISM OF VOWS.** By the Rev. Peter Cotel, S.J. Translated from the French, by L. W. Reilly. Baltimore : John B. Piet.

THIS book is intended as a guide for those who would embrace the religious life. It contains a great deal of useful information on the excellence of the religious state, the helps to sanctity to be found therein, and the merit acquired by the practice of the Evangelical Counsels. It is, however, marred by some inaccuracies. Such, for instance, as the definition which says a vow is a promise made to God of a good better than the opposite ; whereas a vow is usually set down as a promise of something which does not prevent the attainment of a *higher* good. Again, it is a serious mistake to say that an error about some circumstance of the religious life which, if foreseen, would have prevented the making of the vow, renders the act invalid. If that principle were accepted, the stability of the religious state would be considerably endangered. Whether the translator is accountable for these errors, or whether they appear in the original, we cannot say. The work would be much improved if they were corrected.

D. O'C.

# THE IRISH ECCLESIASTICAL RECORD

JULY, 1895

## PAROCHIAL MISSIONS

THE interest taken in this subject in foreign countries leads me to think that as great, or even a greater interest may be taken in it by the readers of the I. E. RECORD at home. The importance of the subject can scarcely be exaggerated ; and if what I propose to write serve to induce others more capable to continue the subject, my efforts will not be in vain. We will consider—(1) What is a parochial mission ? (2) What the Church says on the advantages of parochial missions. (3) The conditions of success.

### I.—WHAT IS A PAROCHIAL MISSION ?

I have added “parochial” in order to narrow the subject, for mission in general would include foreign as well as home missions. The word is accepted as a sending forth of men divinely chosen to teach and to save, to enlighten the mind, to move the heart, and to cleanse the soul from sin. Of this sending forth we have many examples in the Old Testament, down to the preaching and baptizing by St. John. In the New Law we have our Blessed Lord, the Head, the Master, the Model of all missionaries ; and He, having formed, by word and example, His Apostles, sent them forth to teach, to move, and to convert the whole world.

From the days of the Apostles even till now the Church, like her Divine Master, has continued to send forth missionaries to every quarter of the globe. She sent Irenæus to France, Palladius to Scotland, Patrick to Ireland,

Augustine to England, Boniface to Germany, Methodius to Bohemia. We have, in the thirteenth century, the rise of the Dominicans and Franciscans; and these penetrated into Greece, Armenia, Tartary, and even China.<sup>1</sup> Later we have the sons of St. Ignatius, and amongst them the prince of missionaries, St. Francis Xavier, and so many others. But, to come to our own times, may we not ask: Has the Church ever been so prolific in missionaries as she is to-day? It is not, however, of missions to foreign parts—missions to the heathen—that I wish to speak in this article; no, but of missions here at home in England and Ireland—missions to the children of the house of Israel; I speak of *parochial* missions at home.

A newly-consecrated bishop wrote to St. Alphonsus, telling him that he intended to have missions in every parish of his diocese, and that he had intimated the same to the parish priests. Some had raised difficulties, and therefore he sought the guidance of the saint. A long and carefully-written letter on missions was the saint's reply.<sup>2</sup> He writes:—"It is certain, my lord, that the conversion of sinners is the greatest benefit which God bestows on man. The Angelic Doctor says that the gift of grace, by which God justifies a sinner, is a greater gift than beatitude. Now, the conversion of sinners is precisely the end of missions; for in missions, by the instructions and sermons, they learn to know the malice of sin, the importance of salvation, and the goodness of God; and thus their hearts are changed; they burst the bonds of evil habits, and begin to lead a Christian life."

A mission, then, in a parish, is a series of exercises intended by their very nature to move and convert sinners. This is the primary, but not the only object. A missionary of forty years' experience has described the other effects in the following words:—"The better portion of the parishioners are by a mission strengthened in their faith; they learn to appreciate their religion better, and to practise it

<sup>1</sup> Vide I. E. RECORD, vol. xvi.

<sup>2</sup> Ed. Torino, 1847, vol. iii., p. 346. For extracts, cf. *Theologia Pastoralis*, P. Aertnys, cap. ix.

more carefully; they are put on their guard against dangers that threaten them at present, or may rise up against them in future." Moreover, since in every parish, without being actually great sinners, there are many who are weak, or ignorant, or wayward, a mission will animate the weaker ones with greater fervour; the ignorant will be instructed, and the wayward will again be set on the right road. In a word, a mission should convert the wicked, and improve the good.

And now, before passing to the advantages of missions, we may here venture an opinion on their necessity for every parish. We do not say for every individual in a parish, nor do we speak of necessity in a strict sense, as though people could not be saved without missions; but we hold that *de facto* it would be difficult to find a parish without Christians for whom a mission is necessary. Even in the narrower circle of persons consecrated to God, we find souls whose salvation depends on a spiritual retreat; and, to say the very least, what a retreat is to souls consecrated to God, a mission is to seculars. Parish, indeed, differs from parish; but where will you find a parish in which there are not many who live as if there were no death, judgment, hell; who have been deaf to the voice of pastor and friend; who are moved neither by entreaty nor good example? For such, a mission is almost the only remedy. The clear, forcible exposition of the nature of sin, the patience of God, the love of Jesus Christ, and like subjects, treated by men who are in daily contact with sinners, is like an assault on the soul, which breaks through the fortifications built about her by the enemy, and wins her to Jesus Christ. How many such victories are there not in missions! Indeed, it is such victories that lighten the burden of a missionary, and sweeten his toil; for there are in this world few consolations equal to that which flows into the heart of a priest when he sees at his feet the man who but yesterday was proud, defiant, and hard-hearted, to-day conquered by grace, humble, subdued, and heart-broken that he had been so rebellious against God.

But were a parish in all respects a model parish, as far

as the eye can read, even then there is need of a mission; for there are hidden wounds which too often only a mission will heal, and the cure must remain as hidden as was the wound previously. This will, to some extent, explain why it is that those who have the widest experience are strongest in their declaration that missions are necessary. We have, however, only proposed to ourselves to consider the advantages, and to these we turn now.

## II.—WHAT THE CHURCH THINKS OF THE ADVANTAGES OF MISSIONS

There are probably in every country—and, perhaps, in every diocese—men, and even priests, who say that missions make much noise, cause much commotion for the time being, but, like a harmless thunderstorm, pass away, and leave no trace behind. Such an estimate is contrary to the spirit of the Church, and was practically condemned by Pius VI. In *Auct. Fid.*, Prop. xv., we read: ‘Propositio enuncians, irregularem strepitum novarum institutionum quae dicta sunt exercitia vel missiones . . . forte nunquam aut saltem perraro eo pertingere, ut absolutam conversionem operentur; et exteriores illos commotionis actus, qui apparuere, nihil aliud fuisse quam transeuntia naturalis concussionis fulgura; temeraria, male sonans, pernicioosa, mori pie ac salutariter per Ecclesiam frequentato, et in verbo Dei fundato, injuriosa.’

From this condemnation we may conclude that missions are pious and salutary exercises, founded on the Word of God. There is, however, no need of a process of reasoning, or we have the express commendation and approval of the Vicar of our Lord. Benedict XIV. compares missionaries to those whom Peter and Andrew called to help them in their fishing; and of missions he says: “Diuturna experientia edocti perspeximus, ad improbos mores corrigendos, qui vel serpere incipiunt, vel jam invalescunt, vel tandem diuturnitate confirmati dioceses latius occuparunt, nihil magis conferre, quam alienam opem et vires implorare, videlicet sacras missiones ubique indicare. Quocirca neque novum neque incertum dici potest hoc remedium,



quod populi corruptelis corrigendis proponitur. Antiquum illud est, malis curandis aptissimum et *fortasse unicum*, quod tot Episcopi pietatis gloria insignes magna cum utilitate in dioecesibus adhibuerunt.”<sup>1</sup>

If we take from the times of Benedict XIV. to our own, which, speaking generally, are no better, we find Pius IX. urging the use of missions for the saving and sanctifying of souls. He writes to the bishops of Italy, in 1849:—“*Parochorum operae adjungere interdum oportet extraordinaria subsidia spiritualium exercitiorum et sacrarum missionum, quas valde utiles, benedicente Domino, esse constat, tum fovendo bonorum pietate tum peccatoribus et longo vitiorum habitu depravatis hominibus ad salutarem poenitentiam excitandis, adeo ut fidelis populus crescat in scientia Dei et in omni opere bono fructificet et uberius coelestis gratiae auxiliis munitus, a perversis inimicorum Ecclesiae doctrinis constantius abhorreat.*”<sup>2</sup> Seven years later he writes to the bishops of Austria:—“*Quum autem sacrae missiones ab idoneis operariis peractae summopere conducant ad fidei religionisque spiritum in populis excitandum, eosque ad virtutis et salutis semitam revocandos, vehementer optamus ut illas in vestris dioecesibus agendas curetis.*”<sup>3</sup>

We have, moreover, the approval of Sovereign Pontiffs given to religious congregations that were instituted primarily to give parochial missions, such as the Vincentians, the Passionists, the Redemptorists, all three founded by saints; and the work of missions has been recommended to other active orders whose primary end was different. Add to this, that the spiritual treasures of the Church have been dispensed with a liberal hand to draw down God's blessing on missions, and to attract the faithful to them. Missionaries are, in the Church, a reserve corps. “God,” says St. Vincent de Paul, “in calling priests from the ordinary ministry to live in community, acts like a king who places some of his soldiers in a fortification, from which they are to make

<sup>1</sup> *Gravissimum*, 8 Sep., 1745.

<sup>2</sup> *Nostris*, 8 Dec., 1849.

<sup>3</sup> *Singulari Quidem*, 17 Mar., 1856.

'sorties' from time to time, that thus fresh troops may aid the body of the army fighting in the plain."<sup>1</sup>

It is almost needless to note how thoroughly the bishops of English-speaking countries have been animated with the same spirit as that of Benedict XIV. and Pius IX. In the Plenary Synod of Maynooth, 1875, the united episcopacy of Ireland recommend missions:—"Cumque jam plures ordines religiosi et congregationes inter nos existant qui in missiones sacras populo tradendas magno zelo et fructu incumbunt, eorum opera et auxilio curent episcopi ut parochi utantur ad fidem et pietatem promovendam et acatholicorum conatus ad nihilum redigendos."<sup>2</sup> And even before the Plenary Synod of Maynooth, other national and provincial synods had recommended missions. For example, the Plenary Synod of Thurles, in 1850, Decr. ix. 5; Cashel, 1853, Tit. i. ; Tuam, 1854, Decr. xviii. In England, missions were recommended by the first Provincial Council, 1852, Decr. xxv. 11; and again, in 1859, in *Litterae Synodicae*.<sup>3</sup>

Such testimony of popes and bishops needs no confirmation; but we may, nevertheless, add something to show the esteem in which the saints held missions. St. Vincent of Paul had to do violence to himself to leave missions, even for necessary business. He declared that when he returned to Paris, it seemed to him as if the gates would fall upon him in punishment for abandoning the souls in the villages, that seemed to call on him for help. In this work no hardship, no sacrifice, was too great for him. The secret of the missionary labours of St. Paul of the Cross, and the continuation of the same work by his children, is found in his almost unbroken contemplation of the sufferings and death of Jesus Christ. It was there he learned the value of souls. St. Alphonsus considers missions "inter praecepta Divinae Providentiae beneficia . . . quod hisce depravatis et corruptis temporibus efficacissimum illud medium ad salvandas

<sup>1</sup> *Vie* par Abelly.

<sup>2</sup> *Cap. ix.*, p. 19.

<sup>3</sup> For the convenience of priests, we give, at the end, the text of several synods on missions.

animas in peccatorum coeno misere dimersas, adhibere statuit.”<sup>1</sup> His whole sacerdotal life might be truly said to have been devoted to this work ; for it he prayed, suffered, and was ready to die. In the time of his greatest afflictions, when misunderstood, calumniated, and betrayed, when treated with the greatest severity, even by the Vicar of our Lord, to whom he was so devoted, he was silent on the wrongs inflicted on himself, but his heart was torn with anguish at the injury inflicted on the missions. “They give me to understand from Rome,” he writes, “that the Pope will restore me to the office of Rector-Major. It is not my deposition from office that troubles me ; no, the blow that pierces my heart is the deprivation of faculties for missions.”<sup>2</sup> And in another letter he declares that he would, if it were possible, drag his decrepit body to Rome to beg from the Pope those faculties without which missions could do but little for souls. The faculties were restored, and this was his greatest consolation in his terrible trials.

In the letter to the newly-consecrated bishop already referred to, St. Alphonsus, amongst others, gives us an idea of the success of missions given by Father Segneri, the younger. He cites Muratori, who says that the whole population abandoned their temporal affairs to assist at his sermons ; that you could see in their faces hatred of sin and compunction of heart ; that human respect was trampled under foot, and the most obstinate sinners were converted ; and that the face of the whole country was changed for the better.

But some may say we have had missions, and we have not witnessed these extraordinary effects ; we have seen no wonderful reformation. Such, indeed, may be the case. The greatest efforts of pastors and missionaries do sometimes seem to fail—yea, fail in reality. We should then remember the words of St. Bernard : “Noli diffidere . . . unusquisque secundum suum laborem accipiet, non secundum proventum.”<sup>3</sup> Some people are so depraved, that they

<sup>1</sup> *Instructio ad suos Missionarios.*

<sup>2</sup> *Letter, Jan. 1781.*

<sup>3</sup> *In Cor. iii. 8.*

refuse even the grace of a mission. In Ireland such a case does not occur; and hence it is rather our own part than that of the people we should examine. This we do by considering the conditions of success.

## II.—THE CONDITIONS OF SUCCESS

The conditions of success may be reduced to four—  
1. The mission should be given at the proper time and place. 2. It should be given by men thoroughly fitted for the work. 3. The number of missionaries should be sufficient. 4. The local clergy should do their part thoroughly.

1. *Proper time and place.*—In a parish in which there never has been a mission, the time is *quamprimum*. In a parish in which there is some special trouble arising out of local circumstances, ordinarily speaking a mission will prove a salutary remedy; and hence it should be procured *quamprimum*. In a parish in which there has been a mission, the question arises, when should the next mission be given? or, what interval should there be between one mission and another? In general the interval should be sufficiently long to preserve the special character of a mission; namely, that it is an extraordinary visitation, an extraordinary grace. There is little difficulty in determining the extreme limit, for here legislation comes to the help of reason. The extreme limit ought not to exceed seven years. The reason is not far to seek. In seven years there is a marked change in the condition of those who compose a parish. Those who, seven years ago, were beginning to walk are now coming to church; those who were boys and girls then are now young men and women, passing through a most critical time of life; the young men and women of seven years ago are now fathers and mothers of families; those who were benefited then by the instruction for the unmarried will now be helped by the instructions for married people. This seven-year rule will ordinarily suffice for the needs of country districts: but for towns, especially where the population is a shifting one, and where Catholics are brought into frequent contact with non-Catholics, seven years is too long an interval. In such places a mission will be in season

every five years. If missions are given more frequently, there is danger of their losing their special character. It is most inadvisable to call retreats and short series of exercises by the name of *mission*.

The time of the year should be carefully chosen. Much depends on local circumstances. Let it be, as far as possible, a time which falls in well with the occupations of the people. This, however, should not be carried too far, especially in Catholic communities; for some sacrifice must be made, and the people are willing to make it.

In choosing the hours for the exercises, the clergy and missionaries will keep in view, not their own convenience, nor the convenience of those who are masters and mistresses of their time, but the convenience of the working classes. Hence, in some parishes, it will be necessary to have the morning exercises very early; in others later; in others two exercises. In determining the hours for evening exercises, care must be taken to give the bulk of the working people time to get home to eat something, then to come to church; for, although it is very laudable to come tired and hungry, it could not be made a rule. In a word, the exercises should be at hours that will enable the greater part of the parishioners to assist at *all* the exercises. This is necessary.

The determining of place arises where there are more churches than one. This will occur in cities, large towns, united parishes, and parishes in which there are more than one church. Experience goes to show that in cities and large towns general missions—that is to say, missions in all the churches simultaneously—are the most efficacious means to rouse the indifferent, and to reach those who need the mission most. In the case of two parishes united under one pastor, the success of the mission requires that it be given in both churches simultaneously, which is the best mode; or first in one, and then in the other. In a parish with two or more churches the same mode should be followed.

2. *The mission should be given by men thoroughly fitted for their work.*—It will be evident to most people that missionaries, to be thoroughly fitted for their work, must be

trained men. Their work is special; it differs widely from ordinary parochial work. Hence an excellent missionary may make a very indifferent parish priest. Their work is very difficult; it demands their whole mind and energy, and, while it lasts, there must be no respite. A priest who cannot give himself entirely to the work had better not undertake it. This becomes more evident when we consider, in particular, the preaching and the hearing of confessions; and these two must go together. ,

The training of missionary preachers applies to style, manner, and matter. The style must be simple. In the mental process which precedes the writing of his sermon, the missionary, whatever may be the natural bent of his mind, must learn to avoid abstruse reasoning, controversy, and polemical assaults; he must put the truth he is considering plainly, clearly, forcibly, and shorn of side questions, which may distract his audience from the main truth, which he must follow to the very end, growing in strength as he proceeds. When the subject has been worked out thoroughly in the mind, he will write his sermon in language that can be understood by *all*, and *at once*, and to which the more learned of his hearers can take no objection. His manner should be dignified, yet free, easy, familiar, natural. He should know how to suit his voice to the church and to his subject, and the subject to his audience, profiting of every favourable circumstance. The matter or choice of subjects requires special care; for while each sermon should be perfect *in se* as a mission sermon, it should, at the same time, form part of a series in such a way that it fits properly with the discourses that have gone before, and leaves untouched matter which is to come. It is thus that the whole course becomes a veritable assault.

St. Alphonsus, in his instructions to missionaries, says: "*Cuncta simul clara sunt et stylo simplici enunciata, ut ab omnibus capiuntur*;" but, at the same time, forcible: "*Nec omittant loqui vehementer, si id materia postulat*." He calls those who preach differently in missions men full of themselves, adulterators of the Divine Word, and enemies of Jesus Christ, to whom they shall render an account for the injury done to souls and to the Church.

All that has been said about sermons applies to instructions, whether applied to children or adults, or persons of different states of life. The missionary should break the bread of life to all.

Now, what a missionary sows from the pulpit, he should reap in the confessional. These exercises must go together, and work in perfect harmony. The action of the confessor should be a confirmation of the teaching of the preacher, and for both there is need of specially trained men. "Seligendi sunt," says Benedict XIV., "missionarii doctrinae laude praestantes, quive populum diligenter instruant . . . Illi potissimum missionarii vocari debent qui postquam labes et scandala populi certo deprehenderint, ipsorum gravitatem ac turpitudinem suis concionibus ostendant et vehementer arguere possint."<sup>2</sup> Or, more shortly, in the words of Pius IX.: "Let missions be given—*ab idoneis operariis*."

3. *The number of missionaries should be sufficient for the work.*—The work we refer to is the *work of the confessional*. It is necessary that the ordinary confessors of the church should cease to hear confessions. It is most advisable that the missionaries should hear all the confessions. It is in reality for this, in a special manner, they have come; it is for this end they have preached and given instructions; it is in the confessional the great hidden work of the mission is accomplished. Moreover, a certain supernatural sympathy is created between the missionaries and the people which will make the confession of sins more easy.

It would be difficult to find a priest who would not flee from the confessional were he to know that his presence created a danger of sacrilege. Now, it is precisely because of this danger that ordinary confessors are asked to leave the work to the missionaries. There would be little difficulty in getting an indolent priest to abstain from hearing confessions; the difficulty is more likely to arise in the case of a good priest whose parish, to all appearance, is in perfect order. Nevertheless, we must remind this most excellent pastor that the good tone of his parish, the good public

<sup>1</sup> *l.c. supra*.

opinion which exists, is only too often an occasion of danger; for in such parishes it is more difficult to make known the hidden wounds of which we made mention at the beginning of this article.

For the success, then, of a mission it is advisable that all the confessions be heard by the missionaries; and this is why the number should be sufficient to hear *all in the parish*. We say *in the parish*, for outsiders should not be heard by the missionaries. We say *all* in the parish; hence the children and the old and sick should be heard. A priest who has worked only in his own parish can hardly realize the need there is of giving to children a *copia confessoriorum*; and as to the sick and old who are confined to their houses, there are none more to be pitied than these, if neglected. They hear from others of the terrible sermons, of the instructions, of the peace which a good general confession has brought to the soul; their minds, when they are alone, run back into the years long since past; and many, if not all, would give the world to open their conscience to a strange confessor. It would be spiritual cruelty to deny them such a grace, such a consolation. Not long since, a superior of a mission was on the point of returning to his convent, when he was seized with so great a desire to visit the old and infirm in a neighbouring island, that he could not resist. He went there, and found the very state of things which we have described. The young and strong had come to the mission in boats; they had told the old and feeble about the sermons and the rest. This created in them so strong a desire to see one of the missionaries, that they betook themselves to their prayers; and, behold, God sent him to them. It would be difficult to say which was greater—the consolation of the old people or that of the missionary. Is it not, moreover, now a matter of history that it was the sad plight in which St. Vincent de Paul found a poor dying man that gave him the inspiration to found the Congregation of Missions? In this matter of hearing confessions, Father Aertnys, in his *Theologia Pastoralis*,<sup>1</sup> gives the testimony of two great missionaries:

<sup>1</sup> Cap. ix.



“ Si missiones non alium fructum ferrent quam reparationem tot confessionum sacrilegarum quas peragunt viri et mulieres peccata sua ex rubore reticendo . . . hoc solum sufficeret ad magnopere exoptandas missiones. Ingens illa confessionum calamitas frequentior est in parvis locis . . . Sacri-legia committunt (ex rubore) per totam vitam . . . et etiam in articulo mortis. Unde reparatio tot confessionum male factarum est fructus maximus missionum.”<sup>1</sup> “ Certum est praecipuum missionum lucrum et operae pretium reportari ex isto hominum genere: quamquam hi fructus nobilissimi instar metalli sub terra procul ab hominum oculis aeterno lateant sacramenti sigillo oclusi.”<sup>2</sup>

But some will say: “ I cannot have a sufficient number of missionaries.” In the greater number of cases a sufficient number can be had. There are, however, cases in which it is scarcely possible. What is to be done in such a case? The parish priest should invite a few good confessors to help the missionaries regularly every day. These should be priests who know something of missions, and will strive to do as good missionaries are accustomed to do. The following points are essential:—1. To give the penitent sufficient time. 2. To ask a few questions on past confessions, lest there may be a hidden wound. 3. To instruct the ignorant, and strive to dispose the indisposed. 4. To impress on all the necessity of avoiding proximate occasions of sin, of receiving the sacraments regularly and well, and of praying, especially in the time of temptation. If confessors of this stamp can be had, we have, then, a very near approach to that which is most desirable, namely, that *all* should be heard by missionaries. A mission should last sufficiently long to give all an opportunity of making a thoroughly satisfactory confession.

What, then, it may be asked, with all these restrictions, can a parish priest and his curates do for the success of the mission? Very much, indeed. And this leads to our last point.

4. *The local clergy should do their part thoroughly.*—I speak only of the parish priest, who will, of course, give his

<sup>1</sup> St. Alphonsus.

<sup>2</sup> P. Segneri.

instructions to those who help him. He has work to do *before the mission, during the mission, and after the mission.*

*Before the mission.*—Benedict XIV. says: “Ne virtute sua careat ejusmodi remedium (missio) preces ad Deum effundendae sunt, quippe: *neque qui plantat est aliquid neque qui rigat, sed qui incrementum dat Deus.*” Not only will the pastor pray himself, but he will get his people, and especially the little ones, to pray for the success of the mission, and this during several weeks before its commencement. He will speak of the mission on several Sundays (five or six), exhorting the people to prepare and to so arrange their affairs, that they come from the very beginning. It is better to keep to simple exhortations to pray and prepare. It would be a mistake to dwell too much on the great truths. He should leave details for the opening of the mission; a holy curiosity will thus be excited. He will make a fatherly visit through the parish, saying a good word to everyone—to the fervent, to the indifferent, to the negligent, to the poor sinner. He will make the best accommodation he can for his people in the church or churches.

*During the mission.*—He will be much about the church, encouraging the people by his presence and words. He will so arrange the collecting of money for the necessary expenses of the mission that none be excluded, none put to shame. Anything that could give to the mission the appearance of a money transaction should be avoided as ruinous; many missions have failed for want of attention to this point; the very persons who needed the mission most have been kept away. The Ven. Curé of Ars founded a hundred missions *in perpetuum*, so that they might be altogether free. This cannot be, nor is it necessary, in Ireland or England; but it is necessary that the collection should be so arranged that it is not a burden either to individuals or families, and, therefore, as low as possible. For this reason all extravagant expenses should be avoided, and a mission should never be made the medium of raising funds for church, or school, or other object, however worthy of support.<sup>1</sup>

<sup>1</sup> Cf. Plenary Synod, Maynooth, Decr. ix. 19.

*After the mission.*—The parish priest has many and serious duties to perform after the mission. This subject covers much ground, and we will reserve it for another time.

What we have written will, we hope, give a correct notion of a mission and of its advantages. Those who have had missions which seemed to be failures may, in considering the conditions of success, discover the cause, and apply a remedy next time.

For the convenience of the clergy, and to avoid loading the article with citations, we give here the words of several local Councils. These need no comment of ours:—

“Quo facilius finis imponi possit eorum conatibus, qui fidem Catholicam eradicare conantur, hortamur Episcopos, ut quam saepissime optimos divini Verbi praecones in loca mittant ubi praedicti conatus fiunt, qui populum fidelem instruant et errores irreperentes repellant. Videant quoque ut si fieri possit in iis locis Sacrae missiones a Sacerdotibus Congrois. S. Vincentii, a Patribus S.J. aut ab aliis fiant.”<sup>1</sup>

“Quoniam ad populorum mores corrigendos, eorumque pietatem fovendam nihil magis inservit quam idoneos operarios aliquando convocare, qui doctrinae et officiorum explanatione populum ad meliorem frugem reducere possint, curent Episcopi, ut Sacerdotes suae aut alienae dioceseos a se ipsis designati invitentur qui pro temporum ac locorum exigentia haec pia exercitia peragere queant.”<sup>2</sup>

“Missiones et piae Apostolicae praedicationis exercitia vehementer exoptamus. Licet unum ex hisce mediis extraordinariis non omnes omnem bonum fructum accipiant, multi tamen per ea, vel jam just, justificantur adhuc, vel peccatores convertuntur ad Deum. Qua propter strenue exhortamur Parochos, ut viros verbo et opere potentes, vel regulares vel seculares prout ab Episcopis fuerit ordinatum, interdum probante Episcopo advocent, et ita salutare missionis beneficium plebi subministrent.”<sup>3</sup>

“Quumque jam plures ordines religiosi et congregationes inter nos existant qui in missiones sacras populo tradendas magno zelo et fructu incumbunt eorum opere et auxilio curent Episcopi, ut Parochi utantur ad fidem et pietatem promovendam, et acatholicorum conatus ad nihilum redigendos.

<sup>1</sup> *Synod. Plen. apud Thurles*; an 1850.—Decr. ix, 5.

<sup>2</sup> *Concilium ii. Tuamensis*; an 1854.—Decr. xviii.

<sup>3</sup> *Concilium Prov Cassiliensis*, an 1853.—Tit. i.

“ Ne vero aliquid detrimenti ex suspitione turpis lucri sacris missionibus oriatur volumus ut collectae, nequidem pro Ecclesia aedificanda, aut ornanda, aut aliis pietatis operibus fiant earum occasione, atque nihil a populo petatur nisi quod ad expensas missionis necessario requiratur et modo ab Episcopo approbando. Si quid vero pecuniae super expensas necessarias remaneat juxta Episcopi judicium est applicandum.”<sup>1</sup>

“ Volumus praesertim, ut quoties expedire judicaverit Episcopus missionem vel exercitia spiritualia ab aliquot viris religiosis, sen de clero, fidelibus sibi tradenda procuret. Ita eveniet, ut surgant expergefati qui in delictis dormiunt, tepidi ac debiles animentur et corroborentur, justi vero ac devoti ad ferventius pietatis studium inflammentur.”<sup>2</sup>

“ In litera Synodali Patres Concilii Prov. Westm. iii., quærunť viros ad hoc opus speciale deditos et ab aliis officiis liberos.

“ Jubemus ut unaquæque congregatio saltem singulis sexenniis exercitiis spiritualibus, uti dicitur missionis, fruatur, quæ tamen missio a sacerdotibus dabitur ad hoc ab Episcopo approbatis.”<sup>3</sup>

The readers of the I. E. RECORD in Australia will find instructions in the *Conc. Plen. Australiae* apud Sydney, anno 1885. No. 186.

Readers in America can consult *Conc. Prov. Cincinnatiensis II.*, anno 1858, Decr. iv.; *Conc. Prov. Quebecensis III.*, anno 1863, Decr. vi., 2; *Conc. Plen. Baltimorensis II.*, anno 1866, titu. x., cap. 2; et *Conc. Prov. X.*, anno 1869, Decr. v.

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<sup>1</sup> *Synod. Plen. apud Maynooth*; an 1875.—Decr. ix. 19.

<sup>2</sup> *Concilium Prov. Westmonasteriensis*, an 1852.—Decr. xxv. 11.

<sup>3</sup> *Concilium Scotiæ Plen.*, i., an 1886.—Decr. xxiv. 10.,

## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### VII.—BEQUESTS IN FAVOUR OF NUNS AND CONVENTS

**E**VEN for some time after the passing of the Catholic Emancipation Act of 1829, some doubts were entertained as to whether bequests in favour of religious communities of women might not be held void on the ground that such communities, like religious communities of men, were illegal.

It was true, no doubt, that the provisions enacted in the Act of 1829 for the suppression of the religious Orders<sup>1</sup> dealt only with communities of men. The 37th section of that Act provided that nothing contained in the Act should "extend in any manner" to affect any community of women. There was, therefore, no new prohibition of such religious communities. But, on the other hand, the Act did nothing for the removal of any prohibition that might then be in force against them. In England, so late as 1870, doubts were expressed<sup>2</sup> as to whether religious communities of women were not still under the legal disabilities of the old penal code. Those disabilities affected communities of men and of women alike. It was feared by some that they still continued in force. Undoubtedly they had been left untouched by the Catholic Relief Acts<sup>3</sup> of 1778 and 1791. And it was by no means clear that, even as regards communities of women, they were removed by the Emancipation Act<sup>4</sup> of 1829.

Quite apart from any question of the validity or invalidity of bequests to Convents, the legal position of those institutions, and of the conventual life, had to be considered

<sup>1</sup> See I. E. RECORD, June, 1895, page 493.

<sup>2</sup> See the Report of the Select Committee of the House of Commons (1870) on Conventual and Monastic Institutions.

<sup>3</sup> See I. E. RECORD, March, 1895, page 218.

<sup>4</sup> See, however, the emphatic statement of Lord Chancellor Ball, quoted on page 597.

some years ago in a case of singular interest. This case, *Duddy v. Gresham*,<sup>1</sup> was before the Courts in 1878.

The case arose out of a bequest<sup>2</sup> made to the testator's wife, with the following words annexed:—

“On the condition that my said wife shall retire immediately after my death into a Convent of her own choice.”

And again, after a bequest to her of the residue of the testator's property,—

“She being bound to go into a Convent, and not to marry after my death as aforesaid.”

The widow, who survived her husband about a year and a-half, did not enter a Convent. She considered that this did not interfere with her title to the property, and at her death she disposed of it by will. The validity of the bequest was challenged by the husband's heir-at-law.

The case involved a number of important legal points, some of them being of very special interest in their bearing upon the relation between the law of these countries and the ecclesiastical law.

One of these was as to the legal effect of a condition such as was imposed in the will. That condition might possibly mean one or other of two things. It might mean merely that the lady was to retire into a Convent, taking up her residence there as a boarder. Or it might mean that she was to enter a Convent, in the sense of becoming a member of the religious Community. In support of the widow's right to dispose of the property, it was contended that the latter was the plain meaning of the condition, and that the condition, so understood, was one that could not be upheld by the Court, but should be set aside as contrary

<sup>1</sup> 2 L. R. Ir. 1; and, on appeal, 2 L. R. Ir. 442.

<sup>2</sup> Throughout this Paper the word “bequest” is frequently used as a convenient, though not, in the circumstances, a technically correct, expression.

Technically, a “bequest” means a gift, by will, of “personal” property: a gift, by will, of “real” property is called a “devise.” But, popularly, the word “bequest” is frequently used in a generic sense to indicate a gift by will, whether the property in question is “personal” or “real.” For convenience, this wider use of the word is followed in this Paper.

to the policy of the law, leaving the gift as if it were an absolute one, with no condition imposed.

It should be observed that the question thus raised had not reference merely to the general disfavour in which conditions "in restraint of marriage" are held by the law. It is a principle of wide application that conditions "in restraint of marriage" are contrary to the policy of the law, and are therefore void. But this principle does not apply in the case of widows. If, therefore, the condition discussed in *Duddy v. Gresham* had merely been to the effect that the lady, who was the testator's widow, was not to marry again, no question as to the validity of the condition could have been raised. But it was contended that the expression, "retire into a Convent," was equivalent to, "become a nun," and that the condition, so understood, was, contrary to the policy of the law, and, consequently, void.

The case, as it happened, did not turn upon the point thus raised. But, incidentally, in the course of their judgments, several of the Judges expressed their opinions upon it.

In the Queen's Bench Division, where the case was first heard, Mr. Justice Fitzgerald, in delivering the judgment of the Court, referred to the point as follows:—

"What did the testator mean by 'retire to a Convent?' If I were at liberty to conjecture, I should probably answer that he meant her to become an inmate of a Convent, and, in due time, a nun; and then might arise the question glanced at by the defendant's counsel,—whether such a condition was not contrary to the policy of the law. But the testator has not said that she was to become a nun, and the language he has used is capable fairly of an interpretation far short of that . . .

"It seems to me that the condition which the testator has so forcibly expressed, may be interpreted to mean an obligation only that his widow should, on his decease, without delay retreat from public life, and *become an inmate of some conventual establishment.*

"If the true construction of the testator's language was that his widow was to take the veil and become a nun, bound by vows probably of obedience and poverty, or other irrevocable, or even temporary vows, I should require more cogent reasons than I have as yet heard, to lead me to the conclusion that such a condition was not contrary to the policy of the law."<sup>1</sup>

<sup>1</sup> 2 L. R. Ir. 6, 8.

The judgment of the Court was that the bequest had failed. The condition was construed as meaning merely that the lady was to go to reside in a Convent : this was a valid condition : furthermore the Court held that it was imposed as a "condition precedent," that is to say, that its fulfilment was made by the testator an indispensable condition of her acquiring a title to the property :<sup>1</sup> the condition was not fulfilled : therefore the property was not acquired.

This judgment was appealed against, and it was reversed by a unanimous judgment of the Court of Appeal. The Judges of the Appeal Court on the occasion were the Lord Chancellor (Ball), the Chief Justice of the Common Pleas (Morris), and the two Lords Justices of Appeal (Christian and Deasy).

As in the Queen's Bench Division, so also in the Appeal Court, the case did not in any way turn upon the question whether a condition requiring a legatee to become a nun was to be upheld, or to be set aside as void. But, incidentally, three of the Judges expressed their opinion upon the point,—two of them in very emphatic terms.

The Lord Chancellor said :—

"An Irish Act of William the Third is the only statute I can find as indicating on the part of the legislature hostility to nunneries. By that Act (9 Wm. III., cap. 1., sect. 8) every Justice of the Peace is directed 'to issue his warrant . . . for suppressing all monasteries, friaries, nunneries, or other Popish

<sup>1</sup> The law distinguishes between conditions *precedent* and conditions *subsequent*.

A condition the fulfilment of which is made a condition for acquiring a title to property, is a condition *precedent* ; a condition the fulfilment of which is made a condition for retaining a title to property previously acquired, is a condition *subsequent*.

There is a notable difference between the legal effects of the two classes of conditions. Conditions *precedent* are far more exacting in their operation. In the case of a condition *subsequent*, time, for instance, may be allowed for the fulfilment of the condition. But a condition *precedent* admits of no exception or limitation : *Conditio præcedens adimpleri debet priusquam sequatur effectus*, is one of the expressive maxims of the law.

It frequently is a matter of much nicety to determine whether a condition is imposed as *precedent* or *subsequent*. In the case of *Duddy v. Gresham*, the unanimous judgment of the Queen's Bench Division, that the condition in question in that case was a condition *precedent*, was reversed by a unanimous judgment of the Court of Appeal.



fraternities or societies.' But it is plain from the context that the objection to nunneries was not because of celibacy, whether as a practice or as enforced by vow, but because they were Popish institutions.

"Policy founded upon considerations of that character, I hold to be *entirely terminated by the Emancipation Act.*"<sup>1</sup>

On the other hand, Chief Justice Morris, like Mr. Justice Fitzgerald in his judgment in the Queen's Bench Division, was inclined to consider that such a condition would be contrary to the policy of the law and void. He said:—

"The condition . . is uncertain so far as the testator imposes on his wife a direction 'to retire immediately after my death into a Convent of her own choice' . . .

"I should rather lean to the opinion that it was . . . the intention of the testator that she should become a nun, and that in the interpretation of the words 'retire into a Convent,' they should have their popular meaning of entering a Convent as a postulant for profession.

"If such had been clearly expressed by the testator, then would arise the question whether such a condition would not be contrary to public policy, and, as at present advised, I would be of opinion it would."<sup>2</sup>

The Lord Justice of Appeal (Christian), whilst dissenting pointedly from some parts of the Lord Chancellor's judgments as to other points involved in the case, expressed his full concurrence as to this. He said:—

"I do not believe there is any policy of the law, either Statute or Common, which condemns or censures those societies of ladies which are commonly called nunneries; and, knowing, as we do, what they are as they exist in this country, the ends at which they aim, and the means which they employ, I think it would be *a grave reproach to the law if it did maintain any such policy.*"<sup>3</sup>

There seems to be little room for doubt that, in this case,—the legatee being a widow, so that the general rule against conditions "in restraint of marriage" did not apply,—if it had been necessary judicially to determine the legal effect of a condition making a bequest dependent upon

<sup>1</sup> 2 L. R. Ir. 456.

<sup>2</sup> *Ibid.*, 460.

<sup>3</sup> *Ibid.*, 461.

the legatee entering a Convent and becoming a nun, the Court would not have set aside the condition as contrary to the policy of the law.

At all events, it is indisputable that long before this case came into Court, the validity of bequests in favour of nuns, and Convents, and religious communities of women, had been fully recognised by the Courts, both in England and in Ireland.

Before proceeding to consider in detail the various cases that have come before the Courts, it will be useful to point out that, although religious communities of women and their Convents may not be in any way under the ban of the law, those communities and Convents are not necessarily charitable institutions in the legal sense. This renders it necessary to exercise special care in the drawing up of bequests in their favour. As a Convent, or religious community, is an institution of a permanent nature, there always is a possibility that some expression in a bequest in favour of such an institution may be judicially interpreted<sup>1</sup> as extending the operation of the bequest beyond the limits allowed by the rule against perpetuities.<sup>2</sup> If the bequest is not clearly a charitable bequest, such an interpretation must necessarily be fatal to its validity.<sup>3</sup> Hence if a bequest is to be made in favour of a Convent or religious community of nuns, every available means should be taken to guard against all danger of invalidity arising on this score. Where it is advisable to make the bequest a legally charitable one,—which in certain circumstances it would not be at all advisable to do,<sup>4</sup>—some legally charitable purpose should be assigned to it in the will. If the bequest is not to be made legally charitable, care should be taken to express it in such a form as to keep it within the limits allowed in the rule against perpetuities.

<sup>1</sup> This point is strikingly illustrated in two cases, *Morrow v. McCurille* and *re Wilkinson's Trusts*, which will be dealt with in the August number of the RECORD.

<sup>2</sup> See I. E. RECORD, February, 1895, pages 109-111.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, pages 123, 124.

How all this can be secured in practice, is to be inferred from the decisions that have been given in the various cases of bequests in favour of nuns and Convents that have come before the Courts. It will be observed that in any case in which a difficulty arose, giving occasion for legal proceedings, the difficulty was one of these two: either (1) there was room for questioning whether the bequest was limited to a charitable purpose, or (2) it was in some way left open to question whether the bequest did not transgress the limits allowed by the rule against perpetuities.

The decisions of practical importance are ten. Of these decisions, eight were given in Irish cases, and two in an English case. They are as follows:—

1. *Henrion v. Bonham*. In this case,<sup>1</sup> which is an “unreported” one, the testator directed that all his property was to be sold, and he bequeathed one-third of the proceeds—

“To that religious society, the ladies at Kilkenny, called the Presentation Convent, to be laid out by them in their usual charitable manner.”

The remaining two-thirds he bequeathed, in equal shares, to two nephews named in the will.

This case was dealt with, in February, 1844, by Lord St. Leonards (Sir E. Sugden), then Lord Chancellor of Ireland. The bequest to the nuns was upheld as valid. The law, of course, could not recognise the community as a body endowed with corporate capacity.<sup>2</sup> But the community consisted of a certain number of individuals. The effect of the Lord Chancellor's decree was that there was a valid bequest to the individual nuns who were members of the community at the time of the testator's death. The Court ascertained by inquiry who these were. They were twelve in number, and they are named individually in the Lord Chancellor's decree, in precisely the same way as the two nephews of the testator.<sup>3</sup>

<sup>1</sup> See O'Leary, *A Treatise on Dispositions of Property for Religious and Charitable Uses* (Dublin, 1847), pages 89-91.

<sup>2</sup> See I. E. RECORD, June, 1895, footnote 2.

<sup>3</sup> See O'Leary, pages 89-91.

The legal bearings of this decision, as regards the bequest to the nuns, were examined with some minuteness by Lord Justice Christian, in the course of his judgment in a much later case, *Stewart v. Green*,<sup>1</sup> which was decided in the Irish Court of Appeal in Chancery, in January, 1871. In Lord Justice Christian's view, the Lord Chancellor's decree "did not . . . in any way treat the bequest as a charitable one,"<sup>2</sup> and the one-third given to the Convent was decreed "to its existing members *nominatim*, in precisely the same form and quality as the other two-thirds were decreed to the two nephews."<sup>3</sup>

The Lord Chancellor's decree undoubtedly seems to make no reference to any charitable trust. But it is not easy to account for the omission. A charitable trust was expressly declared in the will of the testator, in which the money was bequeathed to the nuns, "to be laid out by them in their usual charitable manner."<sup>4</sup>

Lord Justice Christian, in the course of his observations upon the legal effect of the Lord Chancellor's decree in this case, furthermore said:—

"There can be no doubt that, under that decree, the ladies took as *joint tenants*, in their natural capacities."<sup>5</sup>

This remark suggests the advisability of explaining here—in so far as it can be done without unduly involving ourselves in legal technicalities—the legal signification of the expression "joint tenancy." As we proceed, we shall find the explanation useful as a key to the meaning of several passages in some of the most important judgments in cases of the class under consideration in this paper.

"Joint tenancy" is one of the three forms, recognised by the Common Law of England, in which property may be held simultaneously by a number of persons. The

<sup>1</sup> See pages 605-612.

<sup>2</sup> I. R. 5 Eq. 485.

<sup>3</sup> *Ibid.*

<sup>4</sup> See Tyssen, page 66, where it is assumed, as a matter of course, that the bequest went to the nuns subject to the charitable trust declared in the will.

<sup>5</sup> I. R. 5 Eq. 485.

two other forms in which property may be so held, are "coparcenary" and "tenancy in common." With these two we have no need to trouble ourselves here.

As to "joint tenancy," its distinctive feature is the *jus accrescendi*, or right of "survivorship," which consists in this, that on the death of any one of those by whom anything is held in "joint tenancy," the part-ownership of the deceased passes on to the survivor or survivors, until, ultimately, by the deaths of the various joint tenants, the ownership becomes concentrated in the last survivor, who thus becomes owner "in severalty," or, in other words, absolute owner of the whole.<sup>1</sup>

Thus, to use the example given by one of the standard expositors of the Common Law :—

"If a lease of tenements be made [in joint tenancy] to many, for a term of years, he which survives of the lessees shall have the tenements . . . during the term, by force of the said lease."<sup>2</sup>

And again :—

"If a horse . . . be given to many [in joint tenancy], he which survives shall have the horse."<sup>3</sup>

Joint tenancy is the form of ownership created by the bequest of anything—for instance a sum of money, or an estate in lands—to a number of persons, when no "words of severance" are used in the bequest. During the lifetime of those who hold in joint tenancy, the joint tenancy may be "severed" by them, but only upon their complying with certain prescribed formalities. If not so severed, a joint tenancy cannot be severed by will. A bequest, framed even in the most absolutely universal form, purporting to dispose of all the property, real and personal, of one of the joint tenants—even if the words, "whether held in severalty or in joint tenancy," be inserted,—cannot hinder the testator's

<sup>1</sup> See STEPHEN [*Blackstone's*] *Commentaries on the Laws of England*, Book 2, part i., chapter 8; and Tudor's *Leading Cases*, (*Morley v. Bird*) 881, 893.

<sup>2</sup> *Litt.*, 5. 281.

<sup>3</sup> *Ibid.*

share in a joint tenancy from passing to the survivor or survivors. "*Jus accrescendi praeferitur ultimae voluntati*," is a maxim of the law.

In illustration of all this, we may take the case of a bequest,—say, of £1,000,—to a Convent, or community of nuns, bearing in mind that a bequest to such a community may be made in either of two senses, and that it is matter for judicial interpretation and decision, in which of those senses the bequest is to be understood in a particular case.

The bequest may be so worded that a Court will judicially declare it to be a bequest to the Convent as a continuing institution—that is, to the aggregate of the members of the community from time to time, for ever, or so long as the Convent continues to exist. Or it may be so worded that it will be interpreted as a bequest to the community, not the community in *perpetuum*, but the community as it existed at the testator's death,—in other words, as a bequest to the individual nuns of whom the community was then composed.

In the former case, the bequest cannot be held valid unless it is assigned in the will to some legally charitable purpose,—a bequest to a Convent or to a religious community, with no charitable purpose specified, being by no means necessarily a charitable bequest. But in the latter case, that is, if the bequest is to the community as the community may happen to exist at the time of the testator's death—or at any other time within the limits allowed in the rule against perpetuities,—it will be valid whether it is assigned to a charitable purpose or not. In the case of a bequest such as this, if the £1,000 be not left to the nuns as trustees for some assigned purpose—charitable or non-charitable as the case may be—the legal result will be to make them owners of the fund, in joint tenancy. This, in Lord Justice Christian's reading of it, was the effect of the Lord Chancellor's decree in *Henrion v. Bonham*.

In another portion of his judgment already referred to, Lord Justice Christian remarked that probably "nothing could be more alien" from the purposes of a testator than

such a result would be, "in its legal form, and in the legal rights it would confer upon the individuals." But, he added,—

"Nevertheless, practically, his purpose would be achieved; because, from what we know of such communities, we must be aware that there could be no surer method of securing the donation of the property to the purposes of the community, than the giving it absolutely to its members."<sup>1</sup>

The legacy, so acquired, in "joint tenancy," by the existing members of a community, would, if no steps were taken for the severing of the joint tenancy, ultimately pass, in absolute ownership, to the nun who might happen to be the survivor of them.<sup>2</sup> Provision might be made for the perpetuation of this first condition of affairs, if it were thought desirable to perpetuate it. For this purpose, nothing more would be needed than that of each of the original "joint tenants" should make a will bequeathing the fund at her death to the then existing members of the community. If the joint tenancy remained "unsevered," the bequests so made,—except, of course, in the case of the last survivor, would be inoperative. The maxim, "*jus accrescendi praeferitur ultimae voluntati*," would apply, successively, in each case of death as it occurred. But the last survivor, by virtue of her survivorship, would become owner "in severalty," or absolute owner, of the whole. She would be fully competent to dispose of it by will. Her will, then, if made, as I have suggested, in favour of the community as existing at the time of her death, would set up a new joint-tenancy between all the nuns who were then members of the community.

This process could be continued indefinitely. But, apart from whatever interest might be taken in it as an exercise in the application of the principles of the Common Law, it would have little to recommend it. A much more satisfactory arrangement would be to have the joint-tenancy at once "severed," in the first instance, and the

<sup>1</sup> I. R. 5, Eq. 481.

<sup>2</sup> See *ante*, page 601.

fund transferred to trustees, to be held by them, on behalf of the community. But care should, of course, be taken not to tie up the expenditure of the fund beyond the limit allowed by the rule against perpetuities unless some legally charitable purpose is specified as the object of the trust.

2. *Murray v. D'Arcy*. In this case,<sup>1</sup> which, like the preceding, is an "unreported" one, there was a bequest, to trustees, of £10,000, to be expended by them on certain specified uses and purposes, described in the will as "charitable," amongst these being—

"The erection and endowment of a Convent of the Presentation Order at Tuam."

The residue of the testator's property, after payment of certain legacies, was to be applied—

"To and for the same, or the like, charitable objects and institutions."

The bequest was a somewhat complicated one, contained in a will and numerous codicils. It was brought into Chancery, where it was carried into execution as a charitable bequest, under a "scheme" drawn up by the Court.

This case, like the former, was adjudicated upon by Lord St. Leonards. In the Scheme for the application of the fund to charitable purposes, as finally ratified by him in July, 1844, the following are set down amongst the purposes to which the fund was to be applied :—

"The erection of the Convent of Presentation Nuns at Tuam ;

"Endowment of the same ;

"Purchase of ground for, and erection and endowment of, one or more Convents or institutions of nuns of the Presentation Order, or Sisters of Mercy, or Sisters of Charity, in the Archdiocese of Tuam."

Thus it was judicially affirmed that the establishment or endowment of a Convent of any of these three Orders is a

<sup>1</sup> See O'Leary, pages 91-94.



legally charitable purpose, so that bequests for such purposes are not only valid, but charitable, bequests.

It can hardly be necessary to observe that it by no means follows from this that a bequest simply for the establishment or endowment of "a Convent," will be upheld as charitable. Under so vague a term it would manifestly be left open to apply the bequest to the establishment or endowment of a Convent of some community that could not be considered a charitable institution in the legal sense, as, for instance, a Convent of a purely "contemplative" Order,<sup>1</sup> such as the Carmelites, or the Redemptoristines.<sup>2</sup> A bequest cannot rank as "charitable," unless, by its terms, its application is strictly confined within the range of legally charitable purposes.<sup>3</sup>

3. *Stewart v. Green.*<sup>4</sup> In this case, which has already been incidentally referred to,<sup>5</sup> there was a bequest, for ever, to trustees, of two-thirds of "the rents and profits" of certain premises, to be paid to Elizabeth Bourke, Superioress, and afterwards to the Superioress for the time being, of the Community of Sisters of Mercy in Ballinasloe,—

"To be applied by her, as such Superioress, for the use and benefit of the said Community."

This case came before the Vice-Chancellor (Chatterton), in July, 1870. He held, in the first place, that the bequest was not charitable, inasmuch as it was applicable, he considered, to *the personal use and benefit of the members of the community*, as distinct from the charitable works in which, as was shown in evidence, they were engaged. Consequently, as the bequest exceeded the limits allowed by the rule against perpetuities,<sup>6</sup> he held that it was invalid. But, at the same time, he held that, though invalid as a perpetuity, the bequest was valid for a limited time. He

<sup>1</sup> See pages 616, 617.

<sup>2</sup> See I. E. RECORD, March, 1895, page 222.

<sup>3</sup> See I. E. RECORD, February, 1895, pages 116, 117; 121, 122; and I. E. RECORD, April, 1895, page 305.

<sup>4</sup> I. R. 5 Eq. 470.

<sup>5</sup> See *ante*, page 600.

<sup>6</sup> See I. E. RECORD, February, 1895, pages 109-111.

held it to be valid as an annuity for the benefit of the community during the lifetime of Elizabeth Bourke, the Superioress named in the will.

As to this last point, it would seem as if the Vice-Chancellor went upon the principle that had been applied by Lord Chancellor Blackburne, in *Carbery v. Cox*, in the case of the annuity bequeathed for the improvement of the Chapel and lands of Mount Melleray.<sup>1</sup> In neither case, however, was there anything in the bequest in favour of the head of the Community individually. In the Mount Melleray case, the Abbot was not in any way referred to in the will. In this case of *Stewart v. Green*, the Superioress—that is to say, the Superioress from time to time, “for the time being,”—is mentioned in the will, but only as an indication of the hand by which the legacy was, from year to year, to be transferred to those in whose favour the bequest was made. In both cases, the bequests, if valid at all, would seem to have been valid during the lifetime of all those who were members of the Community at the time of the testator’s death.<sup>2</sup> But, in this case of *Stewart v. Green*, as in the case of the bequest to the monks of Mount Melleray, in *Carbery v. Cox*, the line of temporary validity was drawn by the Court at quite a different point. In both these cases, the annuity was considered by the Court to come to an end with the lifetime of the individual member of the religious community who happened to be its head at the time of the testator’s death.

This portion of the Vice-Chancellor’s judgment, allowing the bequest to stand as valid for the lifetime of the Superioress, Elizabeth Bourke, was not appealed against by any of the parties in the case. But, on behalf of the Sisters of Mercy, an appeal was taken against the more substantial portion of the judgment, in which the bequest was held to be non-charitable, and, consequently,—outside the limit already mentioned,—invalid, on the ground that it was a bequest in perpetuity of the yearly rents in question.

<sup>1</sup> See I. E. RECORD, June, 1895, pages 497-499

<sup>2</sup> See *ante*, page 599.

The appeal came before the Court of Appeal in Chancery in January, 1871, the Judges being the Lord Chancellor (O'Hagan) and the Lord Justice of Appeal (Christian).<sup>1</sup>

The Lord Chancellor and the Lord Justice concurred in upholding the judgment of the Vice-Chancellor as to the non-charitable character of the bequest.

The Lord Chancellor said :—

“The legal validity of a dedication of money to charitable purposes, under the administration of religious ladies in the Roman Catholic Church, may be taken to have been clearly established. But then the indication of those charitable purposes must be clear.

“In this case, whatever may be our supposition as to the testator's object, his bounty is bestowed only *for the use and benefit of the Community*, and there is not a word in the will to cast upon them the obligation of using it in charity, or for the advantage of any but themselves, . . . no statement that it shall be employed for the charitable ends for which the Order of Mercy has been instituted and maintained.

“The words would be fully satisfied in their literal sense if the Community, requiring some necessities or comforts, should use the money to procure them,—for example, in improved house accommodation or better clothing, or better food ; and no one could legally complain that they had taken that course, or legally compel them to take any other. And, if this be so, the bequest, in my judgment, cannot be held to be a charitable bequest ; for the ladies of the Community, personally, are not the objects, although they are the excellent administrators, of the charity.”

The Lord Chancellor, in holding that this bequest in *Stewart v. Green* was not charitable, relied also upon the point that, although the community was devoted to purely charitable works, there was nothing legally to bind any member of the community to remain a member of it.<sup>3</sup>

Another point relied upon by Lord O'Hagan as a ground for holding that the bequest to the Ballinasloe Community was not a charitable one, was that even the community itself was under no legal obligation to continue in the discharge of the charitable works for which it had been established. If the community wished to withdraw from

<sup>1</sup> Ir. Rep. 5 Eq. 470.

<sup>2</sup> *Ibid.*, 470-478.

<sup>3</sup> *Ibid.*, 478.

all charitable work, there was, he said, no legal means of restraining it from doing so ; it could then expend upon any lawful non-charitable purpose whatever funds it held for its own use and benefit. This being so, he inferred that a bequest for "the use and benefit of the community" could not be regarded as restricted in any way to legally charitable purposes.<sup>1</sup>

The Lord Justice of Appeal, in giving judgment in the same sense, went somewhat deeper into the case.

First, in so far as the bequest could be upheld as valid, even for a time, he questioned whether the line should have been drawn at the death of the Superioress, Elizabeth Burke.<sup>2</sup> If the bequest were to be held valid for any limited time, the line should, in his opinion, have been drawn at the death of the last survivor of those who were members of the community at the time of the testator's death.<sup>3</sup>

Secondly, he threw out the suggestion<sup>4</sup> that possibly the bequest might be kept altogether clear of the legal vice of perpetuity, by construing it,—not as a bequest to the community as the community might exist from year to year, *in perpetuum*, or so long as the Convent stood,—but as a bequest to the community simply as it existed at the testator's death.<sup>5</sup>

To appreciate the point of Lord Justice Christian's suggestion, we must bear in mind that a bequest of the "rents and profits" of any property—which was the form of the bequest in the case before the Court—does not convey a mere continuing right to receive the rents and profits, from year to year, as they become payable. If, in the present case, it meant merely that, the case would clearly be a perpetuity. But it meant much more. For it is a rule of law that a bequest of "the rents and profits" of any property will

<sup>1</sup> Jr. Rep. 5 Eq. 478.

<sup>2</sup> See *ante*, page 606.

<sup>3</sup> Jr. Rep. 5 Eq. 480.

<sup>4</sup> *Ibid.*, 475, 481, 485, 486.

<sup>5</sup> See *ante*, page 602.

convey the property itself.<sup>1</sup> Therefore, so far as regarded the object of the bequest, that is to say, the thing that was bequeathed in this case of *Stewart v. Green*, there was nothing to stand in the way of the suggested construction of the bequest as a complete present gift.

The effect of the bequest, if this construction of it could be upheld, would be to transfer, in joint tenancy, to the Sisters of the community at the time of the testator's death, two-thirds of the testator's interest in the property in question. Those Sisters, by severing the joint tenancy, could sell out the interest so acquired, if they chose to do so. They might, on the other hand, preserve the property as a provision for the future needs of the Convent if they preferred that course. But, as they could either sell out their interest in the property or retain it, there would be nothing in the bequest to contravene the rule against perpetuities. The bequest would stand simply as a complete present gift.

Counsel for the nuns, however, repudiated this construction of the bequest, and insisted that it was a bequest payable to the community as a continuing body, and, consequently, *in perpetuum*, from year to year.<sup>2</sup> This being the view of the Counsel for the Appellants in the case, Lord Justice Christian considered that he ought not to press his suggestion, and he therefore dropped it.

Lord Justice Christian's suggestion in this case has frequently since been referred to by other Judges when giving judgment in cases of bequests in favour of Convents.<sup>3</sup>

<sup>1</sup> "A devise of 'rents and profits,' or of the income of land, carried *an estate for life* on the lands, before the Wills Act [1837]; and since the Act, it carries *the fee*."

"But the devise of a *specific annual sum* out of land, though it happens to be the whole amount of the rents and profits, will not carry the land." THEOBALD. *Law of Wills* (3rd Ed.) page 307.

<sup>2</sup> See *ante*, page 602.

<sup>3</sup> See, for instance, the observations of the Vice-Chancellor (Chatterton) in *Morrow v. McConville* (11 L. R. Ir. 243, 244); of the Lord Chancellor (Law) in *Re Delany's Estate* (9 L. R. Ir. 242) of the Lord Chancellor (Ashbourne), Lord Justice Fitzgibbon, and Lord Justice Barry, in *Re Wilkinson's Trusts* (19 L. R. Ir. 537, 540, 542); and of the Master of the Rolls (Porter) in *Bradshaw v. Jackman* (21 L. R. Ir. 19).

But, so far, it does not seem to have been endorsed by any judicial approval. Once, at least, it has been plainly repudiated as inadmissible, and on several occasions the grave difficulty has been pointed out that stands in the way of putting any such construction upon a bequest such as that which was in question in this case.

It was a bequest, no doubt, of "rents and profits," and, if it had stopped at that point, it might have operated as a complete present gift. But there was something more. The rents were to be collected, presumably from year to year, by trustees, for whose perpetual succession a distinct provision was made in the will. When so collected, they were to be paid over to the Superioress "for the time being," and they were to be expended by her "as such Superioress," "for the use and benefit of the said community." In the words of one of the present Lords Justices of Appeal,—

"On the very face of this devise, I think it was one intended to continue. It contemplated a continued receipt of the rents and profits of the lands, a succession of Superioresses, and a continuing Community to enjoy the property. On that construction, it was bad as a perpetuity."<sup>1</sup>

The suggestion that the bequest might be dealt with simply as a complete present gift having been repudiated, the bequest had to be dealt with as a perpetuity. Viewing it in this light, Lord Justice Christian regarded it as obviously void. It was not, he said, a charitable gift: it was simply "for the use and benefit of the community," without any restriction "as to the mode of the use, or as to the kind of the benefit": the purposes for which the community was associated might be charitable, but there was no declaration that the bequest was to be applied to these; moreover, although some of those purposes undoubtedly were charitable, there was no evidence that all of them were; and, even if the numerous difficulties thus far indicated could be got rid

<sup>1</sup> Fitzgibbon (L. J.) *Re Wilkinson's Trusts* (21 L. R. Ir. 541). This important case will be fully considered in the August number of the I. E. RECORD.

of,—that is to say, if it were assumed that the bequests were restricted to the purposes of the community, and that these, and all of them, were legally charitable purposes,—there still remained the further point, that there was no obligation upon the community to continue to pursue these purposes, or to continue to devote itself to charitable purposes of any kind.

The Lord Justice's statement upon this last point was as follows:—

“There is no legal obligation to continue to pursue those purposes. The ladies may at any time, though continuing to live in community, wholly and radically change the destination of their revenues, and there is no legal power that would have a right to control them . . .

“Suppose they thought proper to discard the pursuit of charity altogether—to spend their revenues on themselves—say, in more luxurious living, in costly attire, or, it may be, in the pursuit of gain—to set up a monster shop, or to open a theatre. Suppose they had done any of these things, could the Attorney-General or any one else maintain a suit against them to restrain them from so acting, and compel them to apply their revenues to the purposes of general charity for which they had originally associated themselves? The idea is absurd.”<sup>1</sup>

To complete the statement of the chief points raised in the judgments in this important case, it should be mentioned that Lord Justice Christian also expressed himself strongly on the subject of the Vice-Chancellor's having admitted evidence which had been tendered with the view of showing that the purposes for which the community was associated were charitable. As is clear from what has been already stated, the decision of the case did not ultimately turn upon the question whether those purposes were or were not charitable. But the Lord Justice complained that evidence upon the point was received at all. “This,” he said, “is a way of supplementing and enlarging a testator's will, which, to me, I must confess, is novel.” In his view, a bequest could not be held to be charitable unless there was a description of a charitable purpose on the face of the will itself.<sup>2</sup>

<sup>1</sup> Ir. Rep. 5 Eq. 423.

<sup>2</sup> *Ibid.*, 482.

More than one point in the judgments in this case of *Stewart v. Green* derives a special interest from the fact that, in a few months afterwards, a case resembling it in several respects came into Court in England, and was very differently dealt with. This English case comes next in order.

4. *Cocks v. Manners*.<sup>1</sup> As has just been mentioned, this was an English case. A testatrix had directed her property, real and personal, to be sold, and the proceeds, after payment of certain legacies, to be distributed in equal shares between certain specified religious institutions.

One of these was a Community of Sisters of Charity, at Selley Oak, near Birmingham. The bequest, in this instance, was as follows :—

“To the Sisters of Charity of St. Paul, at Selley Oak, payable to the Superior thereof for the time being.”

This being an English case, we have to bear in mind that, in two important respects, the position of charitable, as compared with non-charitable, bequests is not at all the same in England as in Ireland. The exemption of charitable bequests from the rule against perpetuities holds good in both countries.<sup>2</sup> But the exemption of such bequests from legacy duty holds good in Ireland only.<sup>3</sup> Again, the restriction placed by the law upon bequests of real property, or upon bequests payable out of real property, to charitable purposes, is quite different in the two countries.<sup>4</sup> In Ireland, the law makes void all such bequests if they have not been made at least three months before the testator's death. In England, the restriction placed by the law upon bequests of this class contains no such limit of time; it affects the bequests no matter at what time in a testator's life they may have been made. But, in England, under the Mortmain and Charitable Uses Act, passed in 1891, such bequests are not

<sup>1</sup> L. R. 12 Eq. 574.

<sup>2</sup> See I. E. RECORD, February, 1895, pages 109, 110.

<sup>3</sup> *Ibid.*, page 121.

<sup>4</sup> *Ibid.*, page 123.



made void. The restriction imposed upon them consists only in this, that they are subject to the provision, that, with certain exceptions, the property bequeathed for a charitable purpose shall not be retained by the trustees or administrators of the charity, but shall be sold within a certain specified time. This is the present state of the law in England. But, in England, when the case of *Cocks v. Manners* was before the Court, in 1871, all bequests for charitable purposes, payable out of real property, were wholly void.<sup>1</sup>

The case of *Cocks v. Manners* came before Vice-Chancellor Wickens, in July, 1871. In so far as the bequest was payable out of real estate,<sup>2</sup> its validity was impugned on the ground that it was a charitable bequest. The further point was raised, that unless the bequest was held to be charitable, it should be set aside as void, on the ground that it was a bequest to an institution of a permanent nature, and therefore contravened the rule against perpetuities.<sup>3</sup>

Evidence was taken as to the nature of the Sisterhood, and of the works in which its members were engaged. On the basis of the information thus obtained, the Vice-Chancellor held that the bequest was valid. It was a charitable bequest, and hence it would be valid even if it were—which plainly it was not—a bequest in perpetuity.

As to the charitable nature of the Sisterhood, he said :—

“The community of Sisters at Selley Oak is, in point of law, a voluntary association for the purposes of teaching the ignorant and nursing the sick.

“I cannot distinguish it in this respect from any of the numerous voluntary associations established in London, such as the Scripture Readers, Home Missionaries, or Anglican Sisters of Mercy, in which zealous persons unite for the purpose of performing charitable functions, taking out of the funds of the association so much as is necessary for their own wants, and extending their operations as their means permit.”<sup>4</sup>

But it had been contended that although the objects of the Sisterhood were charitable, a bequest to it could not

<sup>1</sup> See I. E. RECORD, February, 1895, page 123.

<sup>2</sup> See *ante*, page 612.

<sup>3</sup> See I. E. RECORD, February, 1895, pages 109-111.

<sup>4</sup> L. R. 12 Eq. 584.

rank as a charitable bequest, since a voluntary association of this kind might at any time dissolve itself, and divide between its members, or in some other way apply to purposes other than those of charity, whatever property it held. This, it will be remembered, was a point strongly relied upon in the judgments in the Irish case of *Stewart v. Green*.<sup>1</sup>

Vice-Chancellor Wickens, however, disposed of it very summarily. He simply pointed out that the same might be said of all other voluntary charitable associations, such as those he had mentioned :—

“It is said that the entire body can dissolve themselves, and divide the property. That it is true, I think, with regard to the Selley Oak Sisters only in the same way in which it is true of the voluntary associations to which I have referred.”<sup>2</sup>

In the case contemplated, the law could, of course, interpose to prevent any misappropriation of funds held for the charitable purposes of the association.<sup>3</sup>

Thus the result of the judgment was that the bequest to the Sisters at Selley Oak was held to be a charitable bequest, and was upheld as valid except in so far as it was payable out of the proceeds of the sale of the real estate.

It will be seen that this judgment in the English Court, affirming the charitable character of the bequest to the Sisters at Selley Oak, proceeded on lines widely divergent from those of the judgments in the Irish Court of Appeal in Chancery, where the bequest to the Sisters of Mercy at Ballinasloe was held to be not charitable.

The most notable points in this judgment in *Cocks v. Manners*, as contrasted with the judgments in *Stewart v. Green*, are the following :—

First, a bequest made simply “to the Sisters of Charity at Selley Oak,” without any reference to the purposes to which the bequest was to be applied, was held to be charitable, on the ground that the works for which the

<sup>1</sup> See *ante*, pages 607, 611.

<sup>2</sup> L. R. 12 Eq. 584.

<sup>3</sup> See the remarks of Lord Justice Barry in *Re Wilkinson's Trusts*, in the next number of the I. E. RECORD.

Sisterhood was associated were charitable.<sup>1</sup> Secondly, the charitable nature of the Sisterhood was ascertained by evidence taken in Court, this being the very form of procedure which had been so strongly commented upon by Lord Justice Christian in the Irish case.<sup>2</sup> Thirdly, although it appeared from the evidence that the maintenance of the Sisters was provided for out of the common fund of the association, this was not considered as interfering in any way with the charitable nature of the organisation.<sup>3</sup> Fourthly, no importance was attached to the objection that, as the Sisterhood could at any time withdraw from its charitable work, bequests made to it could not be regarded as charitable bequests.<sup>4</sup>

The contrast between the two judgments was pointedly commented upon in the Irish Court of Appeal, in 1887, when judgment was being delivered in an important case, *re Wilkinson's Trusts*,<sup>5</sup> in which the validity of a bequest in favour of a Convent was in question. In the course of his judgment in that case, Lord Justice Barry said:—

“Every barrister in Ireland knows that if *Cocks v. Manners* had been decided before *Stewart v. Green*, *Stewart v. Green* would have been decided the other way.”<sup>6</sup>

However this may be, it should not be overlooked that there is a point of difference between the bequest that was held to be charitable in the English case, and that which was held not to be charitable in *Stewart v. Green*. The bequest in *Stewart v. Green* was expressly “for the use and benefit of the community.” The bequest in *Cocks v. Manners* contained no such clause, but was made simply “to the Sisters at Selley Oak.”

In a subsequent case, *Mahony v. Duggan*,<sup>7</sup> decided in the Irish Rolls Court in 1880, attention was directed by

<sup>1</sup> See *ante*, page 607.

<sup>2</sup> See *ante*, page 611.

<sup>3</sup> See *ante*, page 607.

<sup>4</sup> See *ante*, pages 607, 608 ; 611.

<sup>5</sup> This case will be fully dealt with in the August number of the I. E. RECORD.

<sup>6</sup> 19 L. R., IR., 543.

<sup>7</sup> This case also will be dealt with in the August number of the I. E. RECORD.

the Master of the Rolls (Sullivan) to the fact that the point mainly relied upon in the judgments in *Stewart v. Green* was that, in that case, the money was to be expended "for the use and benefit of the community," no other purpose being indicated in the will. On this ground he held that the decision in *Stewart v. Green* did not apply to the case then before him, in which there was a bequest in favour of a convent, but with a charitable purpose distinctly specified.

Two years afterwards, in a case, *re Delany's Estate*,<sup>1</sup> decided in the Irish Court of Appeal, the Lord Chancellor (Law) directed attention to the clause, "for the use and benefit of the community," as occurring in the bequest in *Stewart v. Green*, and inferred from it that the decisions in *Stewart v. Green* and *Cocks v. Manners* were not inconsistent with each other.

The same view seemed to be taken by Lord Justice Fitzgibbon in the important case, *re Wilkinson's Trusts*.<sup>2</sup>

A further question was raised in reference to this Selley Oak bequest, as to whether it was not to be regarded as contravening the rule against perpetuities.<sup>3</sup> But this question had not to be decided. As the bequest was charitable, it would be valid whether it was a perpetuity or not. Vice-Chancellor Wickens, however, gave no countenance to the idea that the bequest could be in any way open to objection on this score. As to this question of perpetuity, his decision in reference to another bequest in the same will, is applicable in all respects to this bequest to the Selley Oak Sisters.

5. *Cocks v. Manners*. In this same case there was a further bequest,

"To the Dominican Convent at Carisbrook, payable to the Superior for the time being."<sup>4</sup>

It was found upon inquiry that the Carisbrook community was a community of a contemplative Order, the Sisters being

<sup>1</sup> See I. E. RECORD for next month.

<sup>2</sup> This case also will be dealt with in the August number of the RECORD.

<sup>3</sup> See *ante*, page 598.

<sup>4</sup> L. R. 12 Eq. 574.

associated for retirement and devotion, and not for external works of charity. This community was declared by Vice-Chancellor Wickens to have "none of the requisites of a charitable institution, whether the word "charitable" is used in its popular sense, or in its legal sense."<sup>1</sup> He then continued:—

"It is said that religious purposes are charitable, but that can only be true as to religious services tending directly or indirectly towards *the instruction or edification of the public*;<sup>2</sup> an annuity to an individual so long as he spent his time in retirement and constant devotion, would not be charitable; nor would a gift to ten persons so long as they lived together in retirement and performed acts of devotion, be charitable."<sup>3</sup>

From all this it was clear that the bequest to this Dominican Convent at Carishbrook could not be held to be charitable. Then the question arose whether it could be upheld as valid. The point relied upon by those who impugned its validity was that, as it was a bequest to a community,—the community being of its nature a permanent institution,<sup>4</sup>—it contravened the rule against perpetuities.

The Vice-Chancellor refused to take this view. The case, he said, would have been different if there was question of property which was directed by the testator to be permanently held, and the income of it applied to the purposes of the community from year to year. But, as he added,—

"Nothing of that sort is directed here. The gift is ordered to be paid to the Superior for the time being;<sup>5</sup> and the Superior, when she receives it, will be bound to account for it to the Convent,—to put it, so to speak, into the common chest;—when there, it will be subject to no trust which will prevent the existing members of the Convent from spending it as they please.

"It would, I conceive, be an extreme stretch of the rule against perpetuities to hold that it applies to a gift of this kind.

"Therefore I hold the gift to the Dominican Convent to be simply good."<sup>6</sup>

<sup>1</sup> See I. E. RECORD, March, 1895, "On the Legal Definition of Charity."

<sup>2</sup> See I. E. RECORD, April, 1895, page 303.

<sup>3</sup> L. R. 12 Eq. 585.

<sup>4</sup> See *ante*, page 598.

<sup>5</sup> As to this expression, "for the time being," see the observations of the Irish Lord Chancellor (Law) *re Delany's Estate*, 9 L. R. Ir. 242.

<sup>6</sup> L. R. 12 Eq. 586.

This bequest was upheld as a valid bequest to the community, that is to say, to the individual nuns of whom the community consisted at the date of the testator's death. The fund went to them "in joint tenancy;"<sup>1</sup> in other words, it went into their "common chest." If the will had directed that it was to be retained there,—by directing, for instance, that the fund was to be invested, and the interest of it applied as a permanent endowment for the Convent, which was a non-charitable institution,—the bequest would clearly have been in contravention of the rule against perpetuities. But there was no direction of the kind. It was fully within the discretion of the nuns either to invest the fund as a provision for future needs, or to expend it forthwith. The fact that they were free to expend it constituted the bequest a complete present gift. Therefore, though the institution was a permanent one, and was non-charitable, there was nothing on the score of perpetuity to interfere with the validity of the bequest.

The view of the law thus acted upon in England in reference to the rule against perpetuities in its bearing upon bequests in favour of Convents, would seem to be but a simple application of very obvious fundamental principles. For a time, however, there was some difficulty in securing a full acceptance of it in the Irish Courts.

I hope to be able in the next number of the *I. E. RECORD* to complete the treatment of this branch of the Law of Charities by examining the five remaining cases—all of them, Irish,—in which bequests in favour of nuns and Convents have been adjudicated upon in Court.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

<sup>1</sup> See *ante*, page 600.

## EUCCHARISTIC CONGRESSES

ONE of the most common and efficacious means of Catholic propaganda and apostleship of the day, are the congresses which bring together distinguished men of every class of society, and in which questions of religious, national, or perhaps international character, are discussed.

Scarcely was the importance of Catholic Congresses recognised by the good fruit they bore for faith and religion, when pious souls, lovers of the Sacrament of Love, holy priests prostrate in silent adoration before the Tabernacle, conceived from the Divine Oracle the idea of organizing Eucharistic Congresses. Under the active and sympathetic influence of Monseigneur de Segur this great apostle of the Eucharist, these congresses grew every year in importance. They were presided over at first by the same Monseigneur de Segur, and then by his Eminence Cardinal Mermillot, and are now by his Lordship Monseigneur Doutreloux, the pious Bishop of Liège. The Sovereign Pontiff was pleased afterwards to encourage them, to approve of their institution and to sanction their works by remarkable Briefs, and even to have himself represented, as he did, in the Congress of Naples, 1891, and that of Jerusalem, 1893.

Among the numerous Eucharistic Congresses which took place, some were of an international, and others of a purely national character. Among the first are those of Lille (1881); Avignon (1882); Liège (1883); Freiburg (1885); Toulouse (1886); Paris (1888); Anvers (1890); Jerusalem (1893); and Rheims (1894). Among the second are those of Naples (1891); Valence (1893); Turin (1894); and Monte Video (1894). It is easy to realize the advantages which such assemblies offer to the piety and zeal of those who, directly or indirectly, take part in them. During several days the thoughts and preoccupations of all are concentrated on the adorable mystery of our altars. One becomes acquainted with the divers means of zeal, with pious industries, by the help of which one can promote

and implant in the souls and hearts of the people devotion towards the Blessed Eucharist under its varied forms—visits, works of diurnal and nocturnal adoration, assistance at processions, at the Holy Sacrifice of the Mass, frequent Communion, &c. Occasions are offered of multiplying, during the sessions of the Congresses, their homages of faith and adoration at the foot of the Most Holy Sacrament, solemnly exposed, and of taking part in the solemn processions, and in these incomparable manifestations of faith and love towards our Eucharistic Lord, which intervene between the sessions of the Congress. Such are, in short, the advantages of Eucharistic Congresses. They show sufficiently the beneficent influence exercised on the whole Christian life, from an Eucharistic point of view, by the impressions received and the practical resolutions taken by those present at the Congress. Therefore it can be said without exaggeration, without fear of being contradicted, that if, during these latter years, devotion towards the Blessed Eucharist has taken a more universal character; if works of adoration, confraternities of the Most Holy Sacrament, frequent communions are multiplied, notably in France, it is to be attributed to the influence of Eucharistic Congresses, brought about chiefly by the zealous exertions of the priests of the Eucharistic League (priest-adorers).

Time would not permit, and it would be impossible, to give a complete account of each Eucharistic Congress above mentioned. Let us select a few of the most important (*ab uno disce omnes*):—

#### EUCCHARISTIC CONGRESS OF JERUSALEM (1893)

“Surge, illuminare, Jerusalem . . . Leva in circuitu oculos tuos, et vide, omnes isti congregati sunt, venerunt tibi” . . . (Isaias lx.).

#### I. THE ENTRANCE OF THE LEGATE

What pen shall ever adequately describe the triumphal entry of his Eminence the Cardinal Legate into Jerusalem on Saturday, 13th May, at 4 o'clock in the afternoon! No other event of greater importance had



caused such excitement in the Holy City since the Crusades. We think we behold it still, preceded by the French flag, with an imposing detachment of Turkish Cavalry, and its thirty magnificent *cawas*, slowly treading their way with their wands of silver flashing in the sunlight, the Papal Legate following next, wearing his red Cappa Magna, mounted, as in the Middle Ages, on a white palfrey, caparisoned in gold, which two negroes led by the bridle, clearing with great difficulty a passage through the immense crowds, who gazed upon the scene with intense admiration and sympathy.

All the Catholics of Jerusalem and its environs, with from one thousand two hundred to one thousand five hundred pilgrims from Europe and America, several high dignitaries of the Greek and Armenian schismatical Churches, the distinguished French Consul, M. Ledoul, with a select party from several foreign Consulates, and upwards of seventy-five officers of the French Squadron, which was then coasting about through the principal ports of Syria, formed around the Cardinal a picturesque escort, which only interrupted its religious chants to burst forth into enthusiastic *vivas*, mingling with the harmonious clanging of the bells. While a vast crowd, of many-coloured costumes, glittering under the rays of a burning sun, filled the flat-terraced roofs, the grilled dormer-lights, wide open for the occasion, the projecting ledges, the battlements, the minarets, and towers; and, as in the times of Jesus, others like the Zacheus of the Gospel, of every stature, were perched in groups. We were going to add, in clusters—on the sycamores, palms, and olive trees by the wayside. In truth, our Saviour descending once more on this scene of His triumph of Palm Sunday, would not have been better received, more deeply revered, more enthusiastically feted, than this prelate chosen to represent Him. Greeks, Russians, Israelites, Arabians, Turks, and Bedouins rivalled each other in their respectful gravity and religious demeanour towards this peaceful Ambassador of a Pontiff whose unmerited trials but served to enhance his glory in their eyes.

At the Jaffa gate, the narrowness of the streets obliged

the mounted *cortège* to proceed on foot. The Legate, vested in his splendid robes brought from the Chapel of Charles X., received under a dais the respectful homage and welcome of the Patriarch of Jerusalem, Mgr. Piavi, to whom he replied in terms of graceful eloquence, confirmed with a brotherly embrace, then proceeded towards the Holy Sepulchre, while the crowd, surging upwards like a river too narrowly confined, gave vent to its enthusiastic delight. The *Magnificat* and the *Tu es Petrus* were alternately sung in rapturous strains by the people.

At last we emerge at the Piazza in front of the Basilica, whose projecting terraces are already filled with the monks of the great schismatical Greek Convent adjoining the porch. This unlooked-for evocation of old and inveterate discords, which we came to try to destroy, inspires the Legate with a sublime idea. He who until then, with extreme tact, had *saluted* rather than *blessed*, stops, opens wide his arms, as if to clasp these strayed wanderers to his heart, and forms a majestic sign of the cross on their heads, now instinctively inclined. Fresh acclamations burst forth, and all this living ocean pours into the Basilica, where a *Te Deum*, such as never was sung before, announces to the Holy City that the Congress is begun.

## II. THE EUCHARISTIC CONGRESS

Eight days of homage and reverence of every kind and nature, rendered to the Holy Eucharist in order to promote its cult by every possible means, and to make of this dogma, held by all the Oriental rites, even the most schismatical, the common ground for their union with the Roman Church. Such has been the Congress of Jerusalem.

1. *Pontifical Masses of the different Rites*.—Each morning was opened by a Mass of different rite, celebrated in one of the numerous sanctuaries of the Holy City. In the Latin rite, for instance, in the Franciscan Convent of the Holy Saviour, adjoining the Cenaculum, and the Basilica of the Holy Sepulchre. In the Greek rite, in the Seminary of St. Anne, directed by the White Fathers; in the Syriac rite, in the priory of the Dominicans of St. Stephen; in the

Armenian rite, in the Church of Our Lady of Spasme, now in course of erection ; in the Slavonic rite, in the Chapel of the Convent of the Dames de Sion at the Ecce Homo ; in the Maronite rite, at the Latin Patriarchate : it was, in a word, the most eloquent proof of the extreme variety of liturgical forms in the unchangeable identity of the Sacrifice of the Altar.

We would in vain essay to make one, who had not been a witness of these scenes, understand the engrossing interest, and ravishing splendour of these Oriental solemnities, carried out in all the ceremonial rigour of their peculiar rites, in presence of the Papal Nuncio of the Latin Church, reminding one of two sisters, under whose difference of appearance the family traits are yet strongly marked :—

“ . . . Facies non omnibus una,  
Nec diversa tamen, qualem decet esse sororum.”<sup>1</sup>

2. *Sacerdotal Reunions*.—To the imposing offices of the morning succeeded the sacerdotal reunions of a less formal character than the great official sessions of the Congress. In the course of these the Oriental priests were able to inform themselves at their leisure upon the traditions, the customs, the Eucharistic works of Europe ; whilst in them, also, the Latin priests found a new incentive to their zeal in the recital of the works of devotion, with which their common object had inspired their confrères. All carried away from this interchange of views the resolution, suggested by the Cardinal Legate, to permeate themselves still more completely with the atmosphere of the Most Holy Sacrament. “ Ah ! how the life of the priest is changed,” we shall repeat with the eminent Cardinal, “ when Jesus is not only the Host of our meeting, but the ever-faithful Friend, the Illuminator of our thoughts, the Consoler of our labour, and the Sanctifier of our works !”

3. *General Meetings*.—Within the limits of space at our disposal just now, it will not be expected that we should give a very minute account of the Seven General Meetings of this Congress, in which twenty bishops of the various

<sup>1</sup> Ovid.

Oriental rites were seated side by side with twelve of their colleagues from the West. We content ourselves with giving expression to the universal feeling of satisfaction which prevailed at the marked ability, success, and skill, of which the Cardinal Legate, and his distinguished helper, Mgr. Doutreloux, gave evidence. Still less could we ever attempt to furnish an analysis or sufficiently full *résumé* of the various theses and subjects proposed to the Congressionists, which, with one sole exception, were reduced to the French language.

Of these twenty-eight studies, devoted to Oriental liturgies, beginning with that of St. James the Lesser, the source of all the others, two-thirds had for their authors Asiatic prelates. That is to say, the Latins made over the larger share to their brothers of the East, whom they strove to attach to themselves more and more, whether by paying them marks of delicate attention—ever reciprocated by them—or by allowing no opportunity to pass without recognising and respecting their ancient privileges. They were, indeed, more than abundantly rewarded for their advances, by a veritable revelation of liturgical treasures, whose riches they promised to impart in all their fulness to the souls entrusted to their care.

4. *Processions.*—When the rapid fall of evening gave shelter to us at last from the burning rays of the sun, we assembled once more at one or other of the various religious houses—St. Anne's, the Orphanage of St. Peter, Notre Dame de France, or at the Convent of Marie Réparatrice, or St. Stephen's, in order to close the day by a grand procession in honour of the Most Holy Sacrament. These were accompanied with a display of pomp and magnificence one would have deemed impossible in such a place, and the illuminations, brilliant as daylight, which followed it, spread far beyond the walls their thrilling effect.

5. *Adoration by night.*—They did not, however, rest satisfied with this. Unwearied adorers, who already, on board the two ships, had spent many hours of the night before the Host in the Tabernacle, began again their

holy watchings in Jerusalem, and only discontinued them on their landing at Marseilles. They added thus the merit of mortification and prayer to the atoning Blood of Jesus, which gushing forth each morning from the four hundred chalices of the pilgrimage, left after it, all the length of the three thousand kilometres which separate France from the Holy Land, as it were a train of graces and benedictions.

### III. THE FRUITS AND HOPES OF THE CONGRESS

Obliged to confine ourselves strictly to a brief review of the Eucharistic Congress, we merely content ourselves with drawing attention for a moment to two of the principal episodes of our sojourn in Jerusalem; namely, the thrilling *Way of the Cross*, repeated every Friday under the protection of the Mussulman authorities, although it interfered with the traffic all along the *via Dolorosa*, and the extremely touching visit paid by the Cardinal Legate to the forty lepers of Siloe. These two events, moreover, have been the themes of many an eloquent narrative, so as to render ours superfluous. It remains for us then, but to carry our subject to a conclusion, and speak of the results, immediate or future, of the Congress.

1. The immediate results: but they made themselves felt in our minds from the very first day, in which we all took part in these surpassing solemnities. In truth do we not find a first-fruit of the Congress in the extremely practical programme of religious and social regeneration, which finds its expression in the recommendations and plans formulated for the weal of the Eastern Churches in the closing session. Were it only the great current of deep earnest thought and renewed vitality of action, it has produced on both sides of the Mediterranean, these would of themselves afford a sure indication of the return of this country to the truth. How many other fruits also have we not drawn from this pilgrimage! Amongst others we had a hunger and thirst to satiate our profound feelings of adoration and love towards the august Sacrament of the Eucharist, at the very cradle of its institution. But Jesus in the Host has been exalted there, as perhaps He never

was elsewhere before. We reckoned on bearing away from the Holy Places, a life-long object-lesson of piety and love, which would never be obliterated from our memories on this side of the grave; and like the house of Bethany, which remained filled with the odour of the sweet-smelling spikenard exhaled from the urn of Magdalen, our soul will continue for ever embalmed with the fragrant perfumes of prayer and adoration poured forth then at the feet of our Divine Master.

On our part we proposed to ourselves to edify this population of schismatics and pagans, accustomed to meet in European Christians only traffickers or tourists; and all have felt convinced that an ineradicable tradition continues to regard the two words "Catholic" and "French" as correlative, if not synonymous; in fine, we have striven, in improvising ourselves as pilgrims of penance, to draw down upon our country, its moral regeneration and the divine protection. Such the results of to-day. But what of the hopes of to-morrow? To-morrow may bring with it some wondrous ray of grace to illuminate the humble believing minds of the Moscovite nation, and lead it across the short interval, which separates it from unity. This concession would be the signal for a new Exodus, or at the very least, for the more than opportune return of the Jews, now living in thousands in Jerusalem. It would be, moreover, a providential intimation to Turkey, to free from the severe yoke under which she holds the Eastern schismatical prelates, of whom the greater part would be ready to return to Catholic unity, if their restoration to orthodoxy did not mean for them, at the same time, the loss of their daily bread as well as that of their families, the privation of their civil rights, inseparable in the East from religious communion.

While awaiting in this matter the absolutely necessary intervention of the great nations, the wisdom of the Pope, and the tact of his Legate, have smoothed the way by dissipating numberless prejudices. Our charitable advances have flattered the self-esteem of the Orientals. Barriers have fallen, hitherto regarded as insurmountable;

consciences have been awakened from a fatal torpor; a reciprocal esteem has paved the way to a union of hearts. And, to the astonishment of all, we have seen the Patriarchs and Bishops of the Greek, Armenian, Syrian, and schismatical Coptic rites, either coming in person or through their representatives, to pay visit to Cardinal Langénieux, and to recognise before him the primacy of honour of the Sovereign Pontiff, and to send on certain days to the Sessions of the Congress as many as thirty of their delegates.

It is the dawn of the unification so passionately longed for by the Roman Church. We shall hasten its coming by helping with our prayers as well as with our alms in the foundation of schools, seminaries, and French religious establishments in the Levant. But side by side with these means of evangelization, so long known and practised, the natural thread of events brings us unlooked-for aids, which come to give a helping hand to the apostolate.

A monastic order, which God seems to have raised up for this express work, has just given expression to three wondrous inspirations of genius, and we may add of grace; it has established a religious, domestic and popular press, under the standard of *the Cross*;<sup>1</sup> it has quickened and fostered to a remarkable degree amongst the entire French nation that living spirit of ardent faith, in directing towards Lourdes great concourses of sick under the banner of Our Lady of Health (Notre Dame du Salut); in fine, it has merited that it should be said of it in a spiritual sense, that "its titles of nobility date from the Crusades," since it has renewed these holy expeditions under the guise of pilgrimages of penance to the country of our Saviour. And to secure the perpetuity of these works, and of many others beside, behold how these fearless religious have just purchased a large vessel destined to bring, each year, bands of Christian Argonauts to the conquests of souls, this "Golden Fleece" of the Divine Lamb unceasingly offered in a mystical manner for the redemption of the world.

<sup>1</sup> *Journal La Croix.*

Truly we would be ingrates for all these gifts of Heaven, as well as forgetful of these earnest devoted workers, should we hesitate in giving our unstinted generous co-operation to a work in its beginnings, from which there may come forth at any moment the salvation of several millions of schismatics.

"My Lord," said the schismatical Armenian patriarch, in taking leave of the Bishop of Liège, "we are with you by faith, with you by charity, with you by *the Eucharist*."

#### IV. RECOMMENDATIONS OF THE EUCHARISTIC CONGRESS OF JERUSALEM

It is a labour of love for us now to comply with the wishes expressed by this great assembly, in giving publication to the recommendations adopted by it, with the concurrence of the Venerable Patriarchs, Archbishops, and Bishops assisting, and the approbation of His Eminence, Cardinal Langénieux, Archbishop of Rheims, who presided over its deliberations as Legate of the Holy See. Mgr. Doutreloux, Bishop of Liège, President of the Permanent Committee of Eucharistic Works, has been pleased, himself, to communicate to us their tenor.

The Eucharistic Congress of Jerusalem, with the approbation of His Eminence, the Cardinal Legate, has drawn up the following recommendations and suggestions:—

1. That a certain number of the very beautiful prayers, taken from the Oriental Eucharistic Liturgies, should be inserted in the Manuals of Piety, in ordinary use amongst the faithful of the Western Church.

2. That the Eucharistic Congress of Jerusalem should give clear and definite expression to the Eucharistic summa of the East, considered in a threefold aspect, *i.e.*, theological, liturgical, and historical.

3. To secure greater reverence and respect towards Jesus in the Sacred Host, more abundant and generous help should be forthcoming for the poor Churches of the East; while, at the same time, the Congress is happy to be able to bestow a well-deserved tribute of praise to the zeal and devotion of those pious associations that have helped them in the past.



4. That the Catholic schools of the East, designed to safeguard the faith of the children, so loved by Jesus, should be developed where they exist, founded where they have not yet been established, and in order to attain this great and important end, that the *Association in aid of the Schools of the East*, so often blessed by Pius IX. and Leo XIII., should be propagated and more largely supported.

5. That seminaries in which an Eastern clergy will be trained, in liturgy, approved ecclesiastical customs and usages, should be erected for each of the rites, as far as possible one for each rite; and that establishments of this kind already existing should be encouraged and aided, in order that, like new *Coenacula*,<sup>1</sup> they may send forth Apostles to bring back by their labours to the Eastern Church the glory of its past.

6. That theological and scientific periodicals should bestow special attention on Eastern religious questions in view of the union of the Churches.

7. That associations of prayers for the union of the Churches should be developed and multiplied.

8. That the extremely friendly and cordial feelings and relations generated by the Eucharistic Congress, amongst the pastors and peoples of the East and West, should be continued and daily more and more strengthened.

9. To perpetuate the memory of these solemn Eucharistic Fêtes, held for the first time in the Holy City, a tabernacle should be erected at the expense of the Congress, on the altar of the Blessed Sacrament, in the Church of the Holy Saviour, chosen in place of the Sacred Coenacle,<sup>2</sup> to gain the privileges and indulgences of the three altars it enclosed.

10. That the Office of Saint Juliana of Cornillon, promoter of the institution of the Feast of Corpus Christi, granted by the Sovereign Pontiff to those bishops who have asked permission for its recitation in their dioceses, should be introduced, on a like understanding, into those that do not as yet enjoy this privilege.

<sup>1</sup> An allusion to the Supper-room where our Lord instituted the Blessed Sacrament.

<sup>2</sup> Now a mosque in the hands of the Turks.

11. That the popular Pilgrimage of Penance, and its energetic organizers, the vast numbers of which have afforded us the means and opportunity of holding these, our Eucharistic solemnities and reunion in Jerusalem is worthy of an ever-increasing support.

Moreover, before separating, the Congress would most earnestly express its desire that with the kind approbation of the bishops assisting, the results of the Congress, and particularly the preceding recommendations, should be brought under the knowledge of the faithful through the Catholic Press; and, if possible, that the General Report and account of the Congress should be, at least in an abridged form, published in the different languages so happily represented at its reunions.

Now, priests of Erin, permit one remark. Let a feeble and humble voice, which comes from beneath a poor tabernacle, speak powerfully to your hearts. The prophet Malachias, foretelling the eucharistic reign of Jesus, says:—*Ab ortu enim solis usque ad occasum magnum est nomen meum in gentibus,*"<sup>1</sup> &c. We have seen his glory in Orient, in Jerusalem, and we can truly say:—"Jerusalem"<sup>2</sup> . . . *Gloria Domini super te orta est.*" But this glory of the Lord has to extend "*usque ad occasum.*" May I ask: If the Congress of Jerusalem has brought so many blessings into the Orient, if it so powerfully and efficaciously contributes towards the reunion of the Eastern Churches, what would an Eucharistic Congress bring about in these our western isles? If we read the prophetic words of the Council of Trent—"Demum vero paterno affectu admonet sancta Synodus, hortatur; rogat et absecrat per viscera misericordiæ Dei nostri, ut omnes et singuli qui christiano nomine censeantur, in hoc *unitatis signo*, in hoc vinculo charitatis, in hoc concordiae symbolo jam tandem aliquando convenient et concordent"<sup>3</sup>—can we doubt for one moment that an Eucharistic Congress in our own countries would bear the most precious fruits?

<sup>1</sup> Malachias, i. 11.

<sup>2</sup> Isaias, lx.

<sup>3</sup> Council of Trent, *De Euch.*, 13 Session, chap. 8.

We all wish for re-union ; but since "sine me nihil potestis facere" (Gospel of St. John, xv.), let us rally around our Eucharistic Lord, without whom all our efforts are vain ; let us place the golden remonstrance on top of the old round tower ; let the harp of Erin re-echo the Eucharistic praises, sounding (even in our own times) from the harp of Sion ; and soon we will be able to sing,<sup>1</sup> "Dominus regnavit . . . laetentur *insulae multae*." Our isles will rejoice when the priests of the Eucharistic League will have done, in these countries, what their *confrères* did in Jerusalem, in France, Italy, Germany, Austria, Spain, and America. "Et nunc reges intelligite, erudimini."<sup>2</sup>

Our priests of old have shed their blood at the foot of the altars. For the love and faith of the Eucharist they were "in solitudinibus errantes, in montibus et speluncis et in cavernis terrae ;"<sup>3</sup> they endured "et vincula et carceres egentes, angustiati, afflicti ;" and, finally, "in occisione gladii mortui sunt." And now we, who live in time of peace, we who enjoy liberty, "Deo pro nobis melius aliquid providente," what do we ? what could we do ? what shall we do for the Blessed Eucharist ? "Quantum potes, tantum aude, quia major omni laude, nec laudare sufficis."<sup>4</sup> At least let us not lie open to the piteous reproach of our Lord : "Sic non potuistis *una hora* vigilare mecum." Over thirty-five thousand Priest-Adorers who are as zealous, as busy, as active as we, find time to spend every week (at their convenience) an hour of Adoration before the Tabernacle. If they can, why could we not ? More faith and more love would make us find more time. Let us join the Eucharistic League, and we all will find that with the weekly hour of Adoration we do not lose but *gain* time ; that we do more, and that we do *better*. Life, activity, prudence, wisdom, good speed, blessing, and success comes from the Tabernacle. The Disciples did not watch "*una hora* ;" therefore "*relicto eo fugerunt*." Let us watch with Him, *una hora*, and we shall remain faithful.

<sup>1</sup> Psalm xcvi.

<sup>2</sup> Psalm ii.

<sup>3</sup> Hebrews, xi. 36-40.

<sup>4</sup> St. Thomas Aquinas, Prose. *Lauda Sion*. Office of the Holy Sacrament.

## V. THE EUCHARISTIC CONGRESS OF VALENCIA

In 1892 the decision was arrived at during the Spanish Catholic Congress, held in Seville, to hold in (1893) the first Eucharistic Congress.

The archiepiscopal City of Valencia, the ancient capital of the city of this name, was selected as the meeting-place of the Congress. This honour was paid to a city, which has been the seat of three successive Councils, and possesses numerous Catholic and Eucharistic associations. The Devotion of the Nocturnal Adoration there embraces more than six hundred associates, recruited from amongst all classes of the community.

The Congress was opened with the celebration of the Mass of the Holy Ghost, in the Cathedral, by his Eminence, Cardinal Sanz, Archbishop of Seville. On the conclusion of the Holy Sacrifice his Lordship, the Bishop of the see of Urgel, ascended the pulpit, and set forth the object of the Congress, which is to extend the work of reparation to our Saviour in the Most Holy Sacrament, by uniting us to Him in Holy Communion, and by fostering works of penance, especially fasting, alms-giving, and prayer. The re-unions were held, as we have already remarked, in the Church of the Holy Cross, arranged *modo romano*.

At the opening Session, his Eminence, Cardinal Sanz delivered a short and touching appeal for their earnest co-operation; then they proceeded to read the names of those in attendance, and the letters directed to the Congress, amongst others those of the Permanent International Committee of Eucharistic Congresses, signed by its president, the Bishop of Liège, of the presidents of the associations of Nîmes and Lille, and of Count Aquaderné, President of the Work of Italian Catholic Congresses.

The first Session was presided over by Mgr. Costa, Archbishop of Tarrogon. The principal subjects discussed at it were the various means of promoting daily attendance at the Holy Sacrifice of the Mass, of securing the observance of fasts, of taking all due precautions to have the last Sacraments administered to the sick, of making reparation for the scandal arising from blasphemies and profanations, and

of hindering sacriligious thefts in churches. They selected as patron of Eucharistic Congresses, blessed John de Ribera, so celebrated for his devotion towards the Holy Sacrament.

In the course of the second Session, presided over by the same prelate, they dealt with the formation of a suitable collection of Spanish hymns in honour of the Most Holy Sacrament. It was decided to solicit the co-operation of the Spanish Episcopacy in undertaking a compilation of religious poems, treating of the Eucharist, from amongst those preserved in the archives and libraries of their respective dioceses.

The third Session, presided over by his Lordship the Bishop of the see of Urgel, took place in the seminary. During it Father Mir, S.J., spoke at length on Spanish and foreign Eucharistic literature.

The fourth Session, held in the same place, had for its president Mgr. Servera, Bishop of Majorca. This prelate treated with a great wealth of erudition of the subject of Christian archæology. His discourse can be summed up in these words adopted by the meeting:—"We draw special attention to the necessity of founding Eucharistic archæological museums, in which admission will be given only to objects and exhibits serving to promote the worship of the Blessed Sacrament, and to collections of photographic reproductions, and other artistic objects capable of imparting a practical lesson in liturgy and Christian archæology." Another resolution, very important in its nature, deals with the propriety of carefully excluding from religious functions all music not approved of by the Church.

This short account of the labours of the Congress will suffice to show its importance. It has been successful even beyond the most sanguine expectations. On the eve of its close his Excellency the Apostolic Nuncio arrived. He was met at the station by the prelates, and conducted to the Archiepiscopal Palace. An immense crowd, assembled in the streets, gave a hearty welcome to the representative of the Sovereign Pontiff. The next day the Nuncio took part in the Session, and in the evening went with the Cardinal and nineteen archbishops and

bishops to a *velada*, a kind of literary and musical *soirée* given in the College of St. Joseph, conducted by the Jesuit Fathers. The Committee of the Congress had also organized an exposition of artistic objects and others pertaining to the worship of the Blessed Sacrament, which for its variety and refinement, elicited the warmest commendations of the Spanish Catholic Press.

The Congress came to an end by a solemn procession to the Cathedral, and by another to the tomb of St. Francis Borgia. This procession was most imposing for its splendour and magnificence. Liveried footmen preceded the standard-bearers of the city, then followed the *danza*, a band of children dancing, at the head of whom were three children provided with a guitar, a species of bag-pipes, and a tambourine, as is the custom in solemn religious processions in Spain. Next came the deputations of the cities represented at the Congress, the confraternities, civic corporations, charitable associations, Third Orders, Eucharistic Congregations, the orphan children of St. Vincent, religious communities, parochial clergy, those attached to the Cathedral, members of the Congress, the archiepiscopal court; then came the Blessed Sacrament, borne by his Eminence Cardinal Sanz, around which the Nuncio, archbishops, and bishops present at the Congress formed a guard of honour. Behind the Most Holy Sacrament marched General Lasso, Commander of the Third Army Corps, representing the Queen Regent, followed by the military, civil, and municipal authorities.

Six battalions of infantry, two regiments of cavalry, and two of artillery formed the escort of the procession, which traversed twenty-two streets. The pomp and ceremony were alike imposing and magnificent. Besides the colours of the city and of the kingdom, it is computed that as many as one hundred and eighty-four standards, eighty-nine images of saints, and thirty-five bands of music were in the procession. Arrived at the Tetuan square, the Nuncio, the Cardinal, archbishops, and bishops ascended a platform, from which Mgr. Gretoni, Apostolic Nuncio, imparted the Papal Benediction. At this moment, on the entry of the Most

Holy Sacrament into the Cathedral, the batteries of the forts and harbour discharged their salvos of artillery.

At the conclusion of the Congress a pilgrimage was made to the tomb of St. Francis Borgia, Viceroy of Catalonia, third General of the Society of Jesus. His important services to his Order and to the Christian world need no comment from us.

The Valencia Congress is a fresh proof of the vitality of Spanish faith, still fruitful and pure, as in the olden days, when first preached by St. James the Apostle. Honour to the Spanish Catholics.<sup>1</sup>

CHARLES SPIESER, S.A.M.

(To be continued.)

## THE ARMENIAN CHURCH

### II.—THE CONSTITUENT PARTS—THE BREVIARY

UNLIKE the Greek, the Armenian Church makes use of but few books in the performance of public worship. They are divided according to the subject-matter. There is a Missal, a Pontifical, and a Ritual, whose contents are sufficiently indicated by these titles. For the Divine Office, two books have been set apart, viz., the *Hourbook*, corresponding to the first section of our breviaries, and containing the psalms, canticles, hymns, and prayers for the daily service; and the *Sharagan*, or hymnal, a collection of hymns in prose and verse, for the various feasts. The Mekhitharists published for the first time in 1839 a complete breviary in three volumes, and since then the *Sharagan* has all but disappeared from the book market. There is also a Psalter, containing the psalms and canticles; and, though printed by one William Griffith, at Smyrna, I am satisfied that the B. and F. Bible Society has had nothing to do with it. The Martyrology, mentioned by

<sup>1</sup> For information and enrolling in the Priests' Eucharistic League, apply to the Director-General. Address—Rev. Charles Spieser, S.A.M., St. Joseph's Apostolic College, Wilton, Cork.

several writers, is not a liturgical work, but merely a collection of Lives of the Saints for private study and devotion. Finally, the *Ordo*, is published every year at Vienna, and contains the customary directions.

From the first beginning of the Armenian Church, every priest and cleric was bound to attend choir, as far as circumstances allowed. But there never was any obligation of supplying the office in private, and even at present both Uniats and Gregorians consider themselves not so bound. Thomassin and Mabillon<sup>1</sup> have taken pains to prove that from the earliest times private recitation was, if not a duty, at least a universal custom. But the instances given appear, to my mind, like praiseworthy exceptions; saints have always done more than what was enforced under heavy penalties. Some of the Oriental offices could not even be recited in private. The Divine Office is essentially a public prayer, and the intention of the Church has ever been that it should be recited by the clergy in common, and that as far as possible the congregation should assist at and take part in it. Hence the almost innumerable collegiate churches with which every country was studded. The obligation binding the Roman clergy to private recitation in default of the choir, dates from the Council of Bâle, in 1431.

From what I have said before, it appears that the Armenian Church adopted the rites and ceremonies, and also the Divine Office of the Greek Church, such as it was at the beginning of the fourth century. In course of time it has undergone numerous changes, principally at the hands of St. Isaac, St. Mesrob, and John Mantagoony (Patriarch in 480). The Greek original probably served as model for various kinds of hymns; and within a short time sacred poetry made such gigantic strides in Armenia, that the Patriarch Nerses III. (640) charged the priest, John Parsegh, to revise the hymnal; and the result of his labours was the *Johnendir*, or John's book. The Patriarch John Ozniensis (719) has left us a tolerably complete description

<sup>1</sup> Thomassin, *Vet. et Nov. Disc.*, vol. i., page 458 (edition of Lyons, 1706.) Mabillon, *De cursu Gallicano*, § vi., Migne, *Lat.* 72, 409.



of the Divine Office as it was in his time, with mystical explanations, reminding us of Durandus and other mediæval writers among ourselves. From his work it becomes clear that the Office is practically the same now as it was twelve hundred years ago, only the hymns have been prodigiously multiplied. And as Ozniensis records all the changes introduced by his predecessors, his work affords the materials for a complete historical survey. Concerning the hymn-book, Professor Nève<sup>1</sup> gives a list of all the contributors to it, seventeen in number, extending over nine centuries, from the fifth to the fourteenth. A final revision took place in the last-named century under Araziel, Bishop of Siunia, and the priest Stephen, and since then it has remained unchanged.

As the number of Armenians living in Russia is continually increasing, P. Mguerditch Emin undertook the translation of the Breviary, and the other liturgical books into modern Russian, and nothing could be better calculated to keep the Armenians faithful to their own Church. There is little difference between the office of the Uniats and the Gregorians (schismatics). The former have eliminated two or three reputed saints of doubtful character, and have adopted some of the more modern Roman feasts, such as Corpus Christi, Rosary Sunday, the Holy Name of Jesus. In some cases a new office has been penned by Abbot Mekhithar; in others appropriate hymns were selected from the rich stores of the hymnal.

After this short history of the Armenian breviary, I must add a word on the history of the Greek Divine Office. I have already pointed out that originally the Armenian was

<sup>1</sup> Professor Felix Nève of Louvain (†23 May, 1893), *L'Arménie chrétienne*, Louvain, 1886. Most of the papers contained in this volume are reprints of articles contributed by this learned and pious author to various periodicals. Thus, Dom Guéranger availed himself of Nève's translation of the Pentecost hymns (*Liturg. Year*, "Easter Time," iii. 330). The hymn, "Easter Time," vol. i., page 303, was translated either by a Mekhitharist or Dom (afterwards Cardinal) Pitra. Of the Ascension hymn ("Easter Time," vol. iii., page 196), I can only identify the three first and three last stanzas. The hymns, "Christmas," vol. ii., page 221, and "Pentecost," vol. i., page 416, are from the Missal. In all cases, the Latin text is a re-translation from the French, by Dom Guéranger himself.

merely a translation of the Greek Office ; at present, however, there is a radical difference between the two ; so much so that it was only after a prolonged study of both that I became aware of their points of contact. Mr. W. J. Birkbeck was the first to point out, in some articles contributed by him to the *Guardian*, that the present midnight office is a later addition to the Greek Office. How could that be, since the midnight office is one of the most ancient parts of the public prayer of the Church ? The answer to this question was furnished by a comparison with the Armenian Office. As it will be seen later on, the Armenian midnight and morning offices (Matins and Lauds, according to our way of speaking) answer, item for item, to the Greek morning office (Lauds) ; with this exception, that whereas the Armenians say one canticle only after the psalmody, variable like the latter, the Greeks recite all the six canticles (excepting the second), and interweave them with the hymn, called *Canon*. Now, it is certain that originally they also had but one variable canticle each day, and this arrangement still holds good in Lent. This gives a clue to the changes wrought in the Greek Office. The canons with their nine odes, one for each of the six first and the three last (daily) canticles were first introduced by St. Cosmas of Jerusalem, and his pupil, St. John Damascene ; and it was then, in the eighth century, that the original midnight office was blended with the morning office, lest the canons should be dismembered. The consequence was, that a new midnight office had to be composed. I shall insert, later on, a table showing the relations of the Greek and Armenian offices, contenting myself for the present with the statement that this change was due to a reaction against the Iconoclastic heresy.

When Leo the Isaurian, at the instigation of the Khalif, Omar II., took it into his head to reform the Christian worship by removing the pictures from the churches, the whole Church instinctively understood that it was not so much a question of a few pictures, however sacred, but of the entire ceremonial. If the Iconoclasts were victorious, there would soon be no more ceremonies, no more singing, no

more crosses or pictures; the house of the Lord would be turned into a "meeting-room," glorying in four whitewashed walls. And as during times of political disturbance parliament declares itself in permanency, so, at that critical moment the Greek services became almost uninterrupted, as if the clergy were afraid that in their absence the mob might enter the church and pull down images, screens, and altar, and light a huge bonfire with the service books, as happened eight hundred years later in the West.

It was for this reason that the canonical hours were doubled and tripled, and that the ceremonial in consequence was brought to the highest pitch of perfection. Armenia suffered but little from the Iconoclasts, and consequently had little occasion for developing her ritual. The breviary is, indeed, singularly devoid of ceremonial: every Saturday the procession of lights, every Sunday the procession (Thabor) with the cross, to bless the towns and the fields, the population and the clergy; now and then a processional visit to the cemetery, and occasionally a series of lessons and chants in the narthex (the porch); that is all. The Armenian Church has kept what was first delivered to her by the Greeks; and though a very marked development in her office did take place, it took another direction to that of the latter.

No nation has ever been endowed with such an exquisite sense of beauty as were the Greeks; how could they exercise their talent more worthily than by embellishing divine worship with the choicest works of art? The Divine Office grew up principally in the monasteries, and found its chief home on the Holy Mountain, where it was sheltered from the vexations of the foe and undisturbed by the blast of the war trumpet. While the Christian armies were fighting against heathens and barbarians, the monks of Mount Athos lifted up their arms in prayer and supplication. Seldom, if ever, was their voice hushed, seldom was the singing of psalms and canticles interrupted, and as generation succeeded generation, Greek genius, combined with Christian piety, found leisure to build up a spiritual edifice, the completeness, beauty, and perfections of which are as unequalled as they are unrivalled. Armenia, on the other

hand, was ever an immense battlefield, with no single spot where religion could seek a refuge. The numerous monasteries, whether perched over the precipices of Mount Ararat, or hidden away amid the islands of those wide lakes, whether protected by the towers and moats of cities, or buried in the wilderness, were sacked again and again. No tranquillity was afforded to the Church militant in every sense. How could we expect under those circumstances a complicated office, or the niceties of uniform perfection we admire so much in the Greek liturgy? Armenia's Church has ever been wedded to holy poverty, and could not afford a gorgeous ceremonial. The ceremonies of the Church in the catacombs must have been of the simplest description, and the Church of Armenia has seen little else than the life of the catacombs.

#### THE CALENDAR

The great difficulty of reconciling the ecclesiastical with the civil year, and the movable with the immovable feasts, has been solved by the Armenians in quite a unique way: all the feasts are movable. Originally the only fixed feast was the 6th of January, on which day the (schismatic) Armenians still celebrate conjointly the Nativity of our Lord, His manifestation to the Gentiles, His baptism, and the marriage feast at Cana.

The Armenian Church has proved her unlimited conservatism in retaining this joint celebration of all the mysteries of the birth of our Lord, while the Greek and the Syrian Churches adopted, in 376, the Western "Christmas" on December the 25th. The Uniats, of course, have conformed to Rome in this matter. One of the results of the aforementioned embassy of Archbishop Conrad of Mayence, in 1199, was the introduction of some more fixed feasts:—

January 13th (Uniats, January 1st),	Circumcision.
February 14th ( „ February 2nd),	Purification.
April 7th ( „ March 25th),	Annunciation.
September 8th . . . . .	Nativity of our Lady.
November 21st . . . . .	Presentation of our Lady.
December 9th ( „ December 8th),	Immaculate Conception.

To these the Uniats have added a few more movable feasts.

Five times a year every Armenian is bound to approach the Sacraments; viz., on Epiphany, Easter, the Transfiguration, the Assumption, and the Exaltation of the Holy Cross. These days are called Feasts of the Tabernacle. On the first day following each of these feasts (with the exception of the Assumption) there is a solemn commemoration of all the faithful departed. The fasts are long and severe. During the week preceding Septuagesima Sunday they keep the Artziburium (borrowed from the Syrians) in commemoration of the works of penance performed by the Ninevites at the time of the prophet Jona, whose feast occurs during that week. Students of ecclesiastical history will not easily forget the slanderous interpretation of this fast by the Greeks.<sup>1</sup> The first week of Advent (the Armenian Advent lasts fifty days, and is called the second Pentecost) and one week before Christmas or Epiphany, as also one week before the feasts of St. Gregory the Illuminator, the Transfiguration, the Assumption, and the Exaltation of the Cross, are set apart for fasting. Lent begins immediately after Quinquagesima Sunday, but the Saturdays in Lent are not kept as fasting days, with the exception of Holy Saturday;<sup>2</sup> moreover, every Wednesday and Friday of the year (excepting Eastertide, and the weeks following the Nativity of our Lord, and the Assumption) are also fasting days. These fasts, in all counting about one hundred and thirty days, are not equally severe, but on nearly one hundred days neither meat, fish, eggs or milk, are allowed, and frequently even oil and wine are prohibited. As for dispensation from fasting or abstinence, it has never been heard of.

On fasting days no feasts are kept, neither is Mass celebrated. This is an old rule in the Eastern Church, for which we have the authority of the Council of Laodicea, about 364.<sup>3</sup> It is in strict keeping with the whole discipline

<sup>1</sup> See Migne, *Gr.*, 1, 864; and also Neale, *Introduction*, 742.

<sup>2</sup> See *Apost. Const.* V., 15 and 20 (Migne, *Gr.*, 1, 880 and 904).

<sup>3</sup> *Conc. Laod. can.* 49 and 51. Migne, *Lat.*, 67, 74.

of penance, which does not admit penitents—and what else are we during the fasting season?—to approach, or even to assist at, the Sacred Banquet. In later times the Greeks have mitigated this rule so far as to allow the Mass of the Presanctified to be celebrated upon fasting days, so as to have at least the consolation of feeling the presence of our Divine Lord. But this reform took place at a time when Armenia was no longer accustomed to receive instructions from Constantinople, and consequently it has never been introduced there.

All the Sundays of the year, and the whole time between Easter and Pentecost are devoted to the contemplation of the mysteries of our redemption, so that there remain only about one hundred and twenty days on which feasts in honour of the saints can be kept. As I have pointed out before, all these feasts are movable. Thus, on Monday after Trinity we find the feast of St. Rhipsimā; on Tuesday, that of St. Cajana; on Thursday (Wednesday and Friday being fasting days, admit of no feast), St. John the Baptist and St. Athanasius<sup>1</sup>); on Saturday, St. Gregory the Illuminator's deliverance from the dungeon. It is, consequently, a mistake to speak of the 3rd of June as the feast of St. Rhipsimā. It may, indeed, fall on that day, but it also falls on other days, according to the movement of Easter.

In this way, the feasts succeed each other. The seventh Sunday after Pentecost witnesses the feast of the Transfiguration, one of the Tabernacle feasts, or days of general communion. The Assumption of our Lady is kept on the Sunday falling on, or between, August 12th and 18th. As the interval between the Transfiguration and the Assumption varies from two to seven weeks, and as the breviary contains only feasts for four weeks, compensation must be made. If the interval be less than four weeks, a number of feasts are condensed, so that one day is devoted to all the martyrs whose feasts occur during this time; another day to all the bishops, and so on, proper care being taken that those feasts which were originally fixed for Saturdays, are celebrated

<sup>1</sup> The Uniats keep *Corpus Christi* on this day.

each by itself. Saturday is almost as great a day as Sunday, and only feasts of high rank are kept on it. If, on the contrary, there be more than four weeks between the Transfiguration and the Assumption, the requisite feasts are taken from a supply of odd feasts, or as we should call them, Votive Offices, inserted in the breviary between the Epiphany and the beginning of Lent. The same expedient is resorted to during the weeks preceding the Exaltation of the Cross (third Sunday of September), the beginning of Advent, and during the interval between Epiphany and Septuagesima Sunday. As there are comparatively few saints' days, a number of saints are often grouped together, as, *e.g.*, all the Egyptian fathers; or, again, St. Thecla and Barbara; sometimes without any apparent reason, as in the case of St. George, St. Adoctus, and St. Romanus (the Greek poet); or in that of the Emperor Theodosius, and the "Seven Sleepers of Ephesus." The Emperor Theodosius the Great is held in high veneration, and rightly so,<sup>1</sup> and his office is even used for the feast of Constantine the Great. The latter, who in the Greek Church is considered as equal to the Apostles, has a feast assigned to him even in the calendar of the Mekhitharists, which is somewhat surprising, seeing that Benedict XIV. is of opinion, that exception would be taken at Rome to his canonization, on the ground of his persecution of St. Athanasius at the instigation of Eusebius.<sup>2</sup> The Mekhitharist breviary being approved by Rome, this feast was probably permitted by right of prescription. There is, however no obstacle to the canonization of Constantine's mother, Helena.

Little need be said of particular feasts. A great number are instituted in honour of national martyrs and pontiffs, while the remainder are known to us from the Roman and Greek calendars. In preparation for Christmas (or Epiphany), several great feasts are kept. The first is in honour of King

<sup>1</sup> Bened. XIV., *de Beatif.* 3, 36, n. 8.

<sup>2</sup> *Ib.*, 2, 36, n. 14, *sqq.* Licet Constantinus Magnus . . . inter sanctos recenseatur in Menologio Graecorum, tamen si ejus canonizatio apud Sedem Apostolicam pertractanda esset, introductioni causae obicem poneret, quod Eusebianis artibus circumventus S. Athanasium male acceperit. See also *ib.* 3, 36, n. 4.

David, and St. James, the "brother of the Lord;" the second, in honour of St. Stephen; the third, of SS. Peter and Paul, the "chief apostles;" the fourth and last, of the "Sons of Thunder," James and John. About New Year's day we find united in one feast St. Basil the Great and his brother St. Gregory of Nyssa, St. Sylvester of Rome and St. Ephrem, the deacon of Edessa. On Epiphany the "Great sanctification," takes place as in the Greek Church; that is, the waters of the nearest river are solemnly blessed, and a supply of this water is preserved, partly for the baptism of infants and neophytes, partly for the same purpose as our own holy water. On the Saturday before Palm Sunday is the commemoration of the resurrection of Lazarus. On Palm Sunday itself a striking ceremony is performed after Vespers, namely the solemn opening of the church doors, in commemoration of our Lord's entrance into Jerusalem, analogous to the "Gloria, laus," in our Palm Sunday procession.

On Monday in Holy Week the office is entirely taken up with the creation of the world; on Tuesday, with the deluge; on Wednesday, with the destruction of Sodom and Gomorrha. Maundy Thursday is distinguished by two ceremonies, the reconciliation of penitents in the morning, and the washing of the feet in the evening; the office for this latter was composed by St. Ephrem the Syrian, and translated into Armenian by Gregory Vgayassêr (Katholikos 1065-1105.) The Sundays after Easter bear the names of New Sunday, Green Sunday, and Beautiful Sunday. The fourth Sunday recalls to mind the appearance of a brilliant cross in the clouds, witnessed by St. Cyril of Jerusalem (May 7th, 351), and his letter to Constantius on that subject is read at the Morning Office. The Sunday after the Ascension is called the Second Palm Sunday. On Whit Sunday afternoon we find the ceremony of the "Bending of knees," as in the Greek Church, but the office is different to that of the latter.

It now remains for me to say something of the Armenian era. In 551 the Easter cycles of Andrew of Byzantium expired, and to prevent confusion a synod was convened by the Katholikos Moses II. at Duin, to remodel the calendar.



The ancient Armenian months were re-introduced, the beginning of the year being fixed on August 11th. Each month has thirty days, and at the end of the year five supernumerary days are intercalated. The present year, 1895, corresponds to 1344-5 (Armen.); but for convenience' sake the Armenians generally use either the Julian or the Gregorian calendar, according to the country in which they reside. Owing to an error in the Easter cycle, a *zerazadikh* or wrong Easter occurs once in ninety-five years, when the Armenians and Syrians celebrate this feast a week later than the Greeks and Romans (old style). Whenever this happened in the past, it invariably led to political and religious disturbances.

#### PSALMS AND CANTICLES

The Armenian Church recognises the same eight ecclesiastical tones as the Roman and Greek communions. But living in happy ignorance of our system of staves, keys, crotchets, quavers, &c., she expresses her musical sounds by means of twenty-four neumes or signs, placed above and between the letters, and strongly resembling the characters of stenography. Indeed, it would almost be impossible to transcribe in common musical notation the succession of tremolos, mordents, &c., which render the Armenian chant so sweet to their own ears, and so intolerable to ours. Maestro Bianchini, an Italian composer, has given to the musical world a transcription of Armenian tunes, and the Abbot General of the Viennese Mekhitharists, Arsenius Aïdyn has arranged the music of the Mass for choir and full orchestra, an undertaking singularly out of harmony with Eastern notions. For like other Eastern Churches, the Armenian rejects organs and other musical instruments, with the exception of two, viz., a "cherub, with many wings, covered with small bells, and fastened to a long stick, which is agitated at different parts of the Mass;" and, secondly, a pair of cymbals which "give an inspiring sound."<sup>1</sup>

The whole psalter is divided into eight canons or sections

<sup>1</sup> I. Issaverdens, *Armenia and the Armenians*, 2 vols., Venice, 1877. A valuable little work, but written in abominable English.

of almost equal length; a canticle from some other part of the Old Testament being added. Every canon corresponds to one of the eight tones; and as every day one of them is sung at the Midnight Office, it is evident that the whole psalter, as well as all the eight tones, are completed within eight days. Whatever tone may fall to any day, nearly the whole Office that day is sung in the same tone. The course of psalmody counts from the first Sunday in Lent, and continues in regular rotation until the first Sunday in Lent of the following year. It then starts anew with the first canon. Every canon is subdivided into seven sections, each of which terminates with "Glory be to the Father," &c. Otherwise this doxology is only added to the psalms when the rubrics especially prescribe it.<sup>1</sup>

Tone	Psalms	Canticles	Greek	Roman	Capita Canonum
8	1-17	Exodus xv. 1-19	1	Thursday	17, 2-7 <sup>a</sup> and 40-51
1	18-35	Deut. xxxii. 1-21			34, 1-7; 35, 6-13
2	36-54	{ Deut. xxxii. 22-38 " xxxii. 39-43 }	2	Saturday	52, 1-6 <sup>a</sup> ; 54, 20 <sup>b</sup> -34
3	55-71	1 Regum ii. 1-10	3	Wednesday	70, 1-6; 71, 11-19
4	72-88	Isaias xxvi. 9-20	5		88, 1-7 and 44-53
5	89-105	Isaias xxxviii. 10-20		Tuesday	105, 1-6 and 41-48
		Isaias xlii. 10-13			
6	106-118	{ Isaias xlv. 8 Jonas ii. 3-10 }	6		118, 121-126 and 169-176
7	119-147	Habacuc iii. 2-19	4	Friday	145, 1-7 <sup>a</sup> ; 147, 12-20

This table speaks for itself. On the first Sunday in Lent the eighth tone is the tone of the day. The psalms and canticles are those marked on the first line in the second and third columns. The next two columns<sup>2</sup> have been added

<sup>1</sup>To facilitate references I subjoin a table of the canticles of the Greek Office:—

- |  |   |
|--|---|
| 1. Canticle of Moses, Exod. xv. 1-19.    | 6. Canticle of Jonas, ii. 3-10.                       |
| 2. Canticle of Moses, Deut. xxxii. 1-43  | 7. Canticle of the Three Children, Daniel iii. 26-56. |
| 3. Canticle of Ann, 1 Kings ii. 1-10     | 8. Canticle of the Three Children, Daniel iii. 57-81. |
| 4. Canticle of Habacuc, Hab. iii. 2-19.  | 9. { Canticle of Our Lady, Luke i. 46-53.             |
| 5. Canticle of Isaias, Isaias xxvi. 9-20 | { Canticle of Zachary, Luke i. 68-79.                 |

<sup>2</sup>The same canticles are used in the Ethiopian, West Syrian, and Ambrosian liturgies.

by way of comparison between the rites of different Churches. On the first Monday in Lent the first tone is the tone of the day, and the psalms and canticles are those enumerated on the second line, and so on. According to present custom, however, the recitation of the psalms and canticles is almost universally discontinued, except in the three (schismatical) monasteries—Etchmiadzin, Sevân, and Aghthamar—where the whole office is performed with the greatest care and solemnity. In other Churches, monastic or otherwise, the only remaining vestige of the ancient psalmody are the *capita canonum* (in default of an intelligible English name), two sets of verses from the last, or two last, psalms of each canon. They are not sung to the psalm-tones, but have tunes of their own, each set in a different key, and interspersed with many *alleluias*. Originally they formed, as it were, the response of the faithful to the preceding psalmody, and expressed the same idea as our own antiphons; for antiphons corresponding to those of the Roman Office are scarcely known to the Eastern Churches. But, as it may be interesting for some of my readers, and as the Armenian Office is also concerned in the matter, I will say a few words on the history of the antiphon. It is recorded in the *Apostolical Constitutions* that “a cantor, other than the *lector*, recited the psalms, and that the people repeated the last verse of each psalm.”<sup>1</sup> This practice is still to be found in various places of the Greek Office. In all such cases the repetition of the last verse precedes the *Gloria, Patri*.

Examining the oldest portion of the Roman Breviary, the Ferial Offices, we remark that the antiphons are sometimes taken from the last verse of the psalms, but much more frequently from the first or second, rarely from elsewhere. Anyone moderately acquainted with the psalms would be able to retain the first and the last verse of each; probably also other striking passages. If, then, the bishop, by quoting the first words of a psalm, *e.g.*, *Dixit Dominus*, intimated which psalm was to be recited, the cantor would

<sup>1</sup> Migne, *Gr.*, 1, 728. See also the erudite commentary of Cotelierius, with a great display of parallel texts.

take it up; and at the conclusion the congregation would repeat: *Dixit Dominus Domino meo: sede a dextris meis*. Now, we have the express testimony of St. Athanasius<sup>1</sup> that he himself acted in this way. The Armenian Church, while carrying out the same idea as the Greek and Roman, differs from both by placing the antiphon at the beginning of the psalm, and not at the end. Neither the Greeks nor the Armenians, however, have antiphons in the regular course of psalmody of the Night Office, but only for certain special psalms of the canonical hours. So far, then, it is clear, that while all these three Churches follow out the same idea, it is only the Roman that fully develops it. A further development, but in a different direction, appears in the Syrian Church,<sup>2</sup> where the antiphon is repeated after every verse of the psalm. This process is called *farcing*, from the French verb *farcir*, to stuff. Thus the verse: "Blessed is he who hath borne Thy yoke, and hath meditated in Thy law, O Lord, by day and night," is repeated after each verse of the first psalm; and there are proper farcings for every psalm and canticle, and for each division of the 118th Psalm, as well as for some special occasions. This alone shows how fond the Syrians have grown of this practice. In other Churches it is less common. I find no instance of it in the Armenian Breviary. The Greeks make the best of it in their Holy Saturday Office, where the whole 118th Psalm is *farced*, but with a proper antiphon for every one of its one hundred and seventy-six verses. The psalm, with its farcings, occupies eighteen columns in folio in the printed edition of the *Triodion*.

In the Roman liturgy I can think of but two instances; the first is the psalm *Venite*, where the *Invitatorium* forms the farcing; the second is the farced canticle sung during the distribution of candles on Candlemas Day. The Bangor *Antiphonarium* presents another instance, the canticle of Deuteronomy, farced throughout. In the Middle Ages, farcing became so popular, that it led to serious abuses

<sup>1</sup> St. Athanasius, *De Fuga Sua*, Migne, Gr., 25, 676.

<sup>2</sup> See A. J. Maclean, *East Syrian Daily Offices*, London.

perpetrated in its name. It became a *farce*, and was therefore, stopped by the authorities.

Besides the regular psalmody as set forth in the above table, which concerns only the Midnight Office, the Armenian breviary prescribes various psalms for the several offices of the day and night, too tedious to enumerate. I shall therefore confine myself to some of the more important features. At the beginning of the Night Office there occur four psalms, which, for brevity's sake, I shall call the Tetrapsalmus. They are Psalms iii., lxxxvii., cii., and cxlii., and correspond to the Hexapsalmus of the Greeks, at the beginning of the Morning Office. We have here another proof of the changes the Greek Office underwent in the course of the eighth century. The Hexapsalmus consists of the above-mentioned four psalms, together with xxxvii. and lxii. The latter always formed part of the Greek Morning Office, as we learn from St. John Chrysostom. At the insertion of Prime into the Armenian Office it was assigned to that hour, though the proper psalm for Prime, was, from the very first introduction of that canonical hour, the 89th,<sup>1</sup> which is still to be found in the Greek Church, and also in the Bangor Antiphonarium. The Vesper-psalms are cxxxix., clx., and clxi. According to Cassian<sup>2</sup> the Syrian monks of his time recited three psalms at Vespers, but he omits to say which. At present the Eastern Syrians say cxl., cxli., cxviii (vv. 105-113), and cxvi.; the Greeks cxl., cxli., cxxix., cxvi. The Athanasian table, whatever its authority may be, shows cxxix., cxl. and xii.<sup>3</sup> At all events, the 140th Psalm was always considered as the Vesper-psalm, and is especially mentioned as such by *Apostolical Constitutions*, and St. John Chrysostom.

But the Armenian breviary presents a feature of great

<sup>1</sup> Cassian iii. c. 6 (Migne, *Lat.*, 49, 136). The 50th, 62nd, and 89th Psalms were assigned for Prime; the Greeks have 5, 89, 100. The Armenians, 99, 62, 63, 22, 142 (vv. 8-12), 45, 69, 85 (vv. 16-17). Bangor Ant. (31 r. and 32 v.)

<sup>2</sup> *Ib.*, c. 8, p. 144.

<sup>3</sup> Migne, *Gr.*, 23, 1395.

<sup>4</sup> Ap. Const., ii. 59 and viii. 35 (Migne, *Gr.*, 1, 744, and 1187), St. John Chrysost. in Ps. 140 (Migne, *Gr.*, 55, 426).

interest. It is an admitted fact that the Roman Holy Week Offices contain relics of the highest antiquity ; and there we find, sure enough, the same psalms as in the Armenian Office, set apart for Vespers for Maundy Thursday and Good Friday. They are now preceded by the 115th and 119th, which were, perhaps, added in order to complete the customary number of five psalms.

#### THE CANTICLES

The table of psalms shows which canticles are to be sung in conjunction with the daily pensum of psalms. It also indicates that the greater number coincide with those of the Greek canon, and even the Roman breviary ; a fact which certainly cannot be attributed to blind hazard, if we consider that the Mozarabic breviary was able to gather more than a hundred canticles from the Old Testament ; consequently, so striking a coincidence cannot be due to scarcity of materials, but undoubtedly points to a very ancient tradition. The West Syrian psalters contain all the canticles of the Armenian breviary, with the exception of the one corresponding to the fifth tone (Isaias xxxviii. 10-20); this, however, appears together with all the others in the Ethiopian Office. Besides these canticles, which belong to the Night Office, the breviary contains others for the morning service.

1. The canticle of the Three Children (Dan. iii. 26-45, and 52-88), corresponding to the seventh and eighth canticles of the Greeks. It is commonly called "the Fathers" from the first verse "Blessed art Thou, O Lord God of our fathers."

2. The Gospel canticles, *Magnificat*, *Benedictus*, and *Nunc dimittis*. The two first are united in the ninth canticle of the Greeks ; the third is not so inappropriate for the morning service as might seem at first sight ; for the "Light for the enlightening of the Gentiles" heralded the dawn of the "everlasting day." Nevertheless the Roman custom of reserving this canticle for Compline appears more poetical. Until the eighth century the *Magnificat* was only sung on Sundays, "contrary to Greek custom ;" and the *Nunc dimittis* was not sung at all.

3. During Lent the Armenians recite the canticle of Manasse. For a long time it passed for inspired, though it is now eliminated from the Sacred Text, and relegated to the Appendix of Holy Scripture. The clergy kneel during its recitation.

#### THE MOVABLE PARTS OF THE OFFICE

Unlike the Roman and Mozarabic breviaries, the Eastern office-books make no distinction between Sundays, Ferial days, and feasts, as far as the psalmody and canticles are concerned. During Easter-time the Armenians make a slight change in the psalm sung at the end of Vespers, but the principal features of the Office remain the same all the year round. Under "movable parts," we understand a certain number of hymns and anthems in the Greek and Armenian Offices which entwine themselves about the canticles and other fixed prayers, and give the Office both an agreeable variety and special bearing on the successive seasons and feasts. In the Greek Office there are especially two kinds of movable parts—the numerous anthems inserted in Vespers, and the hymns, in metrical prose, accompanying and enlarging upon the canticles of the Morning Office. The latter are called *canons*, and consist of a number of stanzas, four, six, eight, or ten, for each of the canticles. It is primarily in these movable parts that the spirit of devotion of a Church finds its outlet; and we naturally look to them in order to become acquainted with the manner of thinking of this or that portion of the Church. I have already alluded to the astounding richness of the Greek Office; and while fully acknowledging that the Armenian Church cannot vie with her Greek sister, I must impress on the reader, that, even so, it far surpasses anything to which we are accustomed. The Roman Church has never encouraged a development in this direction, but has always strictly adhered to the original idea which gave form to her Divine Office. There is something to be said on both sides.

Glancing through the liturgical productions of the Middle Ages, we cannot but regret that so many beautiful

hymns have become obsolete, owing to the stern simplicity of the Roman breviary. The Eastern Offices, on the other hand, are interspersed with works of art second only to the inspired poetry of David and the prophets; but they are open to the reproach of presenting a limited circle of ideas, with almost unlimited, and therefore tedious, variations and repetitions.

The movable parts of the Daily Office are seven in number. The first and most important is "the great blessing," which occurs towards the end of the Night Office. It consists of a number of verses, or stanzas, some of which are devoid of a title, while others bear a name suggestive of their contents, such as: of the Holy Ghost, of the dead, of Lazarus, of the *Magnificat*, of the Cross, and so on, just as the stanzas of the Greek canon are called: of the Resurrection, of the Mother of God, of the Cross and of compunction. Owing to the great number of stanzas, it is customary to sing only three of those without title, and the four last of those which have a title. Some Sundays and feasts have hymns (or "blessings") of their own; for others a choice is made, according to the tone of the day, from among the rich stores of *common* hymns for various Sundays, fasting-days, and feasts. I may also remark, in this place, that the common Gospels, "bidding prayers," and responses vary according to the tone of the day.

The other movable parts are connected with the Cantic of the Three Children, the *Magnificat*, the *Miserere*, and the psalms of praise (clxviii.-cl.), the "Psalm of the Children" (cxii.) at Lauds, and the psalm, "I have lifted up my eyes" (cxx.), at Vespers. These seven hymns together form a canon. There are other canons besides those I have mentioned, which I shall speak of at length later on. They do not belong to the movable portion of the breviary, but rather to the Daily or Weekly Office.

#### LESSONS

A regular course of lessons from Holy Scripture, the works of the fathers, or the acts of the saints, such as we find in the Roman Office, is altogether unknown in the



Oriental Churches. The lessons we there find occupy much the same place as the lessons at Mass; that is, they are pericopes chosen especially for the day or the feast. Those (I am speaking now of the Armenian Office) belonging to the Daily Office are read, according to the different Evangelists, in regular succession, as regulated by the tone of the day. There is, *e.g.*, at the Midnight Office, a Gospel concerning the resurrection of the dead; and, as there are but four Evangelists, whereas there are eight ecclesiastical tones, each of the four Gospels is read on two of the eight days which are required for the whole round of psalms and canticles. Lessons from the Old Testament and the writings of the Apostles are given in a manner similar to that of the prophecies at the Mass of the Ember-days in our own Church. The only approach we find to a regular course of lessons is during Easter-time, when all the four Gospels are read from beginning to end. Moreover, on the feast of the apparition of the luminous cross in Jerusalem, the letter of St. Cyril to Constantius is read; and on some few occasions there is also a homily of St. Basil or St. John Chrysostom. On the vigils of great feasts the reading of the "prophecies," interspersed with the chant of hymns, takes place in the porch of the church, instead of the choir—a remnant of the old discipline of penance, which forbade penitents to enter the church.

And now we must return for an instant to the question of the relationship between the offices of various Churches. I have already shown how the Armenian Office represents the original form of the Divine Office of the Greek Church. While comparing the two offices, I chanced to take up the monastic rules of St. Cesar of Arles and St. Aurelian, together with the Antiphonary of Bangor, and I could not help being struck with the close resemblance one canonical hour, the Morning Office, bears in all these liturgical works. Both St. Cesar and St. Aurelian were originally monks of Lerins; and the conclusion forced itself upon me, that the monks of Lerins must have borrowed their office from the East, and propagated it not only in the South of France, but

also in the British Isles. The following table shows the points of contact. Some recollection of the common origin of these different offices must have survived until the seventh or eighth

	Greek	Armenian	S. Cesar	S. Aurelian	Bangor Antiphonarium
MORNING OFFICE	Hexapсал- mus 3, 37, 62, 87, 102, 142 Psalmody Miserere Canticles	NIGHT OFFICE Tetrapсалmus 3, 87, 102, 142 Psalmody Canticles			Audite coeli Hymn
	Canticle of the Three Children, 1st part Id. 2nd part Benedicite Magnificat Benedictus	MORNING OFFICE Canticle of the Three Children, 1st part 2nd part Benedicite Magnificat Benedictus Evangelium Miserere	144, 42, 62, 117 Cantemus Domino Ps. 145, 146, 147 2nd part Benedicite	144, 42, 62, 117 Cantemus Domino Ps. 145-147 2nd part Benedicite	Cantemus Domino 2nd part Benedicite Benedictus Evangelium
	ψ 148-150	ψ 148-150	ψ 148-150	ψ 148-150	ψ 148-150
	Gloria in Excelsis	Gloria in Excelsis Ps. 112	Te Deum Gloria in Excelsis Capitellum Migne 67, 1102	Magnificat Gloria in Excelsis Capitellum Migne 68, 393	Te Deum Gloria in Excelsis Ps. 112 (vide n. 123)

century, as the author of the *Origo cantuum*<sup>1</sup> refers to the relationship between those used by Cassian, St. Honorius of Lerins, St. Cesar of Arles, and those of the British and Scotch (Irish) monks.

There is another point which affords a striking instance of similarity between various offices. From the rule of St. Columbanus,<sup>2</sup> and other early liturgical documents, it appears that originally the two nights, from Friday to Saturday, and from Saturday to Sunday, were entirely

<sup>1</sup> Migne, *Lat.*, 72, 607.

<sup>2</sup> Migne, *Lat.*, 80, 212.

devoted to Divine service. That such was the case also in other parts of the Church, is manifest from a passage of St. Nicetas, Bishop of Remesiana (410).<sup>1</sup> In the Greek Church, is at present an "all-night service" preparatory to the great feasts; but the "Vigils" of the ordinary Sundays, though considerably longer than those during the week, are far from occupying the whole night. The same applies to the Armenian Church. But here we have the distinct testimony of St. John Ozniensis (718), that although in his time only the night from Saturday to Sunday, was consecrated by an uninterrupted service, in former times that also, from Sunday to Monday, was kept in a similar way. "Now this great day of the Saviour is to be honourably kept from the Vespers of Saturday until the Vespers of Sunday; the former being the foundation of this most precious day, the latter the fulfilment. In this way the worshippers multiply honours before and after. But our ancestors did not indulge in repose until the morning of the second day." "Quod semper, quod ubique," is the rule of Catholicity laid down by St. Vincent of Lerins. The *semper* does not apply in this case, as the custom disappeared more than a thousand years ago; but the *ubique* can scarcely be termed an exaggeration when applied to a custom which simultaneously flourished in Armenia, Dacia, Gaul, and Ireland.

One thing is certain, the fervour of our forefathers in sanctifying not only the whole of the Sunday, but also the nights preceding and following it, should fill us with shame at the thought of the almost universal profanation of this "most precious day."

BENEDICT ZIMMERMAN, O.C.D.

<sup>1</sup> Migne, *Lat.*, 68, 367.

<sup>2</sup> *Opp.*, page 39. The Bangor Antiphonary, though not half so explicit, bears some vestiges of "double vigils."

## Documents

### ENCYCLICAL LETTER OF HIS HOLINESS POPE LEO XIII TO THE ENGLISH PEOPLE

LEO PP. XIII.

AD ANGLOS REGNUM CHRISTI IN FIDEI UNITATE QUAERENTES  
SALUTEM ET PACEM IN DOMINO

Amantissimae voluntatis significationem sibi quoque a Nobis habeat gens Anglorum illustris. Eam quidem allocuti communiter sumus, datâ non multo antehac epistola apostolica ad principes et populos universos: verumtamen ut id propriis litteris efficeremus, iam Nobis admodum in desiderio resederat. Desiderium alebat ille quo semper fuimus animo propenso in nationem vestram, cuius res a vetustate praeclaras christiani fasti loquuntur: eaque amplius movebant quae non infrequenti cum popularibus vestris sermone acceperamus, tum de observantia Anglorum in Nos humanissima, tum praecipue de calescuntibus istic animorum studiis in eo, ut pacem sempiternamque salutem per fidei unitatem requirant. Testis autem est Deus quam incensam foveamus spem, posse operam nostram afferre aliquid ad summum christianae unitatis negotium in Anglia tuendum et procurandum: Deoque, benignissimo conservatori vitae, habemus gratiam, qui, ut istud etiam contenderemus, hoc Nobis aetatis incolumitatisque concesserit. Quoniam vero optati exitus expectationem nullâ in re magis quam in admirabili gratiae eius virtute collocamus, in id ipsum propterea appellare Anglos, quotquot gloriantur christiano nomine, meditato consilio decrevimus. Atque eos invitamento et alloquio cohortari aggredimur, ut pariter erigant ad Deum et intendant fiduciam, opemque ab illo, tantae rei maxime necessariam, assiduitate sanctarum precum implorent.

Caritati in vos providentiaeque Nostrae facta Pontificum decessorum praelucent, in primis Gregorii Magni; cuius quidem insignia de religione ac de humanitate promerita, iure in gente vestra singulari quodam nomine collaudantur. Quum enim *pro covertendis Anglis Saxonibus, quemadmodum in monachatu proposuerat, assiduis cogitationum fluctibus urgeretur*,<sup>1</sup> si apostolicos in eis labores praesens quidem obire, ad ampliora destinante Deo,

<sup>1</sup> Ioann. Diac. *in vita eius*, ii. 33.

non potuit, mirum sane quo ille animo, qua constantia grande propositum institit perficiendumque curavit. Nam ex ipsa monachorum familia, quam domi suae ad omnem doctrinam et sanctimoniam eximie formaverat, illuc delectam manum, beati Augustini ductu, alacer mittit, contra miseram superstitionem nuncios evangelicae sapientiae, gratiae, mansuetudinis. Coepta porro sua nullis humanis subnixa praesidiis, et spem per difficultates crescentem, plena tandem videt et cumulata. Cuius eventum rei eidem Augustino per litteras nuncianti, triumphans ipse gaudio ea rescripsit: *Gloria in excelsis Deo, et in terra pax hominibus bonae voluntatis: gloria Christo . . . cuius morte vivimus, cuius infirmitate roboramur, cuius amore in Britannia fratres quaerimus quos ignorabamus, cuius munere quos nescientes quaerebamus, invenimus. Quis autem narrare sufficiat quanta hic laetitia in omnium corde fidelium fuerit exorta, quod gens Anglorum, operante omnipotentis Dei gratia, et tua Fraternitate laborante, expulsis errorum tenebris, sanctae fidei luce perfusa est: quod mente integerrima iam calcat idola, quibus prius vesano timore subiacebat?*<sup>1</sup> Idemque Ethelberto regi Cantii et Bertae reginae gratulatus est epistolis perbenignis, quod altera recordandae memoriae Helenam, alter Constantinum piissimum Imperatorem essent imitati;<sup>2</sup> tum utrumque et gentem saluberrimis monitis confirmavit, plenisque prudentiae institutis provehere et augere reliquâ vita non desiit. Ita in Britanniae finibus christianum nomen, temporibus priscis ab ipsa Ecclesia invectum, propagatum, vindicatum,<sup>3</sup> quod exterarum deinde occupatione gentium oppressum, longo intervallo defecerat, feliciter Gregorio auspice restitutum est.

Haec principio revocare libuit, non ideo solum quia per se egregia sunt et Ecclesiae Christi gloriosa, sed quia populo Anglorum, cuius gratiâ sunt gesta, certe erunt ad commemorandum pergrata. At vero, quod magni interest reputare,

<sup>1</sup> *Epist. xi., 28, al. ix., 59.*

<sup>2</sup> *Ib. xi. 66, al. ix. 60; xi. 29, al. ix. 59.*

<sup>3</sup> In hoc valde egit sanctus Caelestinus I., adversus haeresim pelagianam quae Britannos infecerat. Qua de re sanctus Prosper Aquitanus, scriptor eiusdem aetatis, idemque postea sancti Leonis Magni notarius, sic habet in suo *Chronico*: "Agricola pelagianus, Severiani pelagiani episcopi filius, ecclesias Britanniae dogmatis sui insinuatione corrupti. Sed ad actionem Palladii diaconi, Papa Caelestinus Germanum, antiissiodorensem episcopum, *vice sua* mittit, et deturbatis haereticis, Britannos ad catholicam fidem dirigit." Migne, *Bibl. PP. S. Prosp. Aquit. opp.*, vol. un., pag. 594.

eadem caritatis Gregorii instantiaeque argumenta, transmissa veluti hereditate, in eis non dissimiliter apparent qui Pontifices successerunt. Sive enim dignis pastoribus designatis, sive datis humanae divinaeque doctrinae magistris optimis, sive disciplinae et hortationis suppeditatis auxiliis, diligentissime est ab illis abundeque praestitum quidquid resurgenti apud vos ecclesiae ad firmamentum erat opus et ubertatem. Huiusmodi curis perbrevis sane tempore respondit exitus; nec enim usquam fortasse altius in animis recens fides insedit, neque acriores pietatis sensus erga beatissimi Petri Cathedram viguerunt. Cum quo christianae unitatis centro, in Romanis Episcopis divinitus constituto, iam tum summa Anglis coniunctio intercessit decursuque aetatum perstitit, fidelissimo obsequio, firma: id quod tam multis tamque nobilibus rerum monumentis consignatum est, nihil ut testatius fieri queat.

Verum saeculo sexto decimo, in illa religioni catholicae asperissima per Europam tempestate, Anglia simul, neque ignota est causa, gravissimum vulnus accepit: quae primum divulsa a communione Apostolicae Sedis, dein ab ea fide sanctissima abducta est, quam complura iam saecula, cum magno etiam libertatis emolumento, laeta coluerat. Dissidium triste! quod decessores Nostri ex intima caritate deploraverunt, omnique providentiae ratione conati sunt restringere et profluentem inde malorum vim deminuere. Longum quidem est, neque est necessarium, seriem persequi earum rerum quae ipsorum in hoc sedulam perpetuamque curam declarent. Praesidium vero insigne et prevalidum ab iis paratum est, quoties peculiares indixerunt preces eo proposito ut Deus Angliam suam benignus respiceret. Cui eximio caritatis operi sese nonnulli maiorem in modum dediderunt viri sanctitate illustres, nominatim Carolus Borromaeus et Philippus Neri: maximeque superiore saeculo Paulus ille, auctor Sodalitatis a Christi Passione, qui, non sine quodam caelesti afflu, ut proditum est, *ad thronum divinae gratiae* supplicando instabat, eoque enixius, quo minus favere optatis tempora videbantur. Nosmetipsi, multo etiam antea quam ad summum sacerdotium eveheremur, hoc idem religiosae precationis officium in eandem causam impensum, et magni fecimus et valde probavimus; huiusque rei iucunda quaedam subit animo recordatio. Quo enim tempore belgica in legatione versaremur, ablata Nobis consuetudine cum Ignatio Spencer, eiusdem Pauli sancti a Cruce alumno pientissimo, tunc nempe

accepimus initum ab eo ipso, homine anglo, consilium de propaganda certa piorum societate, rite ad Anglorum salutem comprecantium.<sup>1</sup> Tale consilium, et fide et amore fraterno excellens, vix attinet dicere quantâ Nos gratia complexi simus quantâque studuerimus ope fovere, praecipientes cogitatione largum inde utilitatis solatium anglicae genti consecuturum. Fructus autem divinae gratiae, ex bonorum precibus impetrati, non obscure quidem ante illud tempus provenerant; exinde tamen, sancto eiusmodi foedere latius dimanante, maiore copia extiterunt. Factum est enim ut complures, clarissimo etiam nomine, admonenti vocantique Deo pii volentes paruerint; idque non raro per maximas privatim iacturas, animo excelso. Praeterea mira quaedam commota est passim inclinatio animorum erga fidem et instituta catholica; ut ad haec accessio non minima facta sit existimationis et reverentiae, praeiudicatus opiniones delente studio veritatis.

Quarum rerum progressionem considerantibus, sic Nobis persuasum est, beneficio potissimum unanimae supplicisque tam multorum ad Deum obsecrationis, maturari iam tempus quo benignitatis eius erga nationem vestram consilia se amplius prodant, ut plane *sermo Dei currat et clarificetur*.<sup>2</sup> Fiduciamque adiuvant quaedam ex humana civilique rerum vestrarum temperatione momenta, quae si minus proxime ad id quod propositum est conducunt, conducunt tamen, vel dignitatis humanae tuenda honestate vel iustitiae caritatisque legibus dirigendis. Sane apud vos multa datur opera causae, quam vocant socialem, dirimendae, de qua consulto est a Nobis ipsis actum encyclicis litteris: sodalitia quoque habentur providenter conditer ad aequam opificum plebisque levationem et disciplinam. Optimum similiter, quod tanta cum alacritate et firmitate contenditur, ut in populo maneat religiosa institutio: quo nullum certe stabilius est educandae soboli continendoque domestico et civili ordini fundamentum. Est item in laude, multos diligenter studioseque in id incumbere ut potus intemperantia, indigna homine labes, tempestivis cautionibus comprimatur. Illud autem egregium, coalitas nobiliorum iuvenum societates, custodiendae morum debitae continentiae, atque honori qui par est, in feminas observando:

<sup>1</sup> Ad hoc precem ille praecipue suadebat salutationem anglican; impetravitque a Coetu sollemni Ordinis sui, Romae habito an. MDCCCXVII, singulare de ea re preceptum sodalibus omnibus eiusdem Ordinis.

<sup>2</sup> II. Thess. iii. 1.

nam dolendum, opiniones de christiana continentia serpere exitiales, quasi arbitrantium non tamen restricte eo praecepto teneri virum, quam femina teneatur. Nec sine causa prudentes viri extimescunt *rationalismi* et *materialismi* pestes, a Nobismetipsis saepius damnatas; quarum contagione quidquid usquam auctoritatis est in religione, in studiis doctrinae, in vitae usu, tollitur funditus vel admodum infirmatur. Quam ob rem illi praeclare consulunt qui non timide complectuntur atque etiam asserunt summa Dei et Christi eius iura, leges, documenta; his namque divinum in terris regnum consistit; hinc omnis potestas et sapientia et incolumitas derivatur. Probeque indolem vestram virtutemque declarat multiplex beneficentiae ratio; de languida senectute, de pueritia derelicta, de invaletudine perpetua, de inopia calamitosa, de periclitanti pudore, de vitiositate corrigende, curaeque aliae similes, quas antiquitus Ecclesia mater studiose induxit nulloque tempore destitit commendare. Nec praetereunda est dierum sacrorum publice inviolata religio; neque ille reverentiae habitus, quo in divinarum libros Litterarum animi fere ducuntur. Potentia dedique et opes nationis brittanicae, humanitatis libertatisque beneficia unâ cum commerciis in oras ultimas proferentis, cui non merito sunt spectatae?

Ex hoc tamen laudatarum rerum concursu et agitatione mens tollitur ad summum omnis efficientiae principium fontemque iugem bonorum omnium; ad Deum, beneficentissimum nobis e caelo patrem. Neque enim, nisi exorato et propitio Deo, illae res vere sunt, uti oportet, privatim vel publice valiturae: quippe, *Beatus populus, cuius Dominus Deus eius*.<sup>1</sup> Sic igitur animum christianus homo affectum confirmatumque habere debet, ut rerum suarum spem reponat maxime et defigat in ope divina quam sibi paret orando: inde scilicet fit ut eius actioni quiddam maius et generosius accedat, beneque merendi voluntas, veluti superno ardore incitato, multo se amplius atque utilius effundat. Deus nimirum, data exorandi sui facultate, permagno mortales et honore effecit et beneficio; idque praesidium omnibus omnino promptum est nec operosum, nullique ex animo adhibenti recidit irritum: *Magna arma sunt preces, magna securitas, magnus thesaurus magnus portus, tutissimus locus*.<sup>2</sup> Quod si divinum numen religiose oranti ea licet expectare quae ad prosperum huius vitae statum proficiant, perspicuum est nihil non ei sperandum, ad

<sup>1</sup> Ps. cxliii. 15.

<sup>2</sup> Chrysost. hom. xxx. in Gen. 5.



aeternitatem vocato, de praestantissimorum adeptione bonorum, quae humano generi Christus peperit *sacramento misericordiae suae*. Ipsemet, *factus nobis sapientia a Deo et iustitia et sanctificatio et redemptio*,<sup>1</sup> ad ea omnia quae in id providentissime docuit constituit, effecit, salutaria orandi adiecit praecepta, eademque roboravit benignitate incredibili.

Sunt ista quidem nemini christiano non cognita; tamen haud satis recoli a plerisque et adamari solent. Hoc Nobis dat causam ut orandi fiduciam vehementius excitemus, Christi Domini ipsius verba paternamque caritatem renovantes. Illa nempe gravissima et promissis uberrima: *Et ego dico vobis: Petite et dabitur vobis; quaerite et invenietis; pulsate et aperietur vobis: omnis enim qui petit, accipit et qui quaerit, invenit, et pulsanti aperietur*:<sup>2</sup> quae mirifice illustrant Dei providentis consilium, ut precatio sit et indigentiae nostrae interpret et eorum quibus indigeamus certa conciliatrix. Quo vero maiestati Patris vota nostra accepta grataque fiant, ea Filius cum suo ipsius deprecatoris merito et nomine omnino iubet nos coniungere ex exhibere: *Amen amen dico vobis; si quid petieritis Patrem in nomine meo, dabit vobis. Usque modo non petistis quidquam in nomine meo: petite et accipietis, ut gaudium vestrum sit plenum*.<sup>3</sup> Tum similitudine etiam benevolentiae actuosae, qua sunt animati parentes in liberos, rem confirmans: *Si vos, inquit, quum sitis mali, nostis bona data dare filiis vestris: quanto magis Pater vester de caelo dabit spiritum bonum petentibus se*.<sup>4</sup> Magna procul dubio lectissimorum munerum copia eo spiritu bono continetur; atque illa maxime inest arcana vis, de qua Christus ipse commonuit: *Nemo potest venire ad me, nisi Pater qui misit me, traxerit eum*.<sup>5</sup> Tali disciplina instituti, fieri, nequaquam potest ut non invitentur, non impellantur animi ad salutarem orandi consuetudinem: nimium vero quantum in id et perseverantia insistent et exardescant pietate, ubi sese ad exempla Christi contulerint. Qui nihil timens, nulla re egens, quippe Deus, tamen *erat pernoctans in oratione*,<sup>6</sup> atque obtulit *preces supplicationesque . . . cum clamore valido et lacrimis*:<sup>7</sup> idque paragens, *ita se Patri exhibere voluit precatorem ut meminisset se nostrum esse doctorem*, prout ipse sapienter vidit, nationis vestrae ornamentum *venerabilis Bede*.<sup>8</sup>

<sup>1</sup> I. Cor. i. 30.<sup>2</sup> Luc. xi. 9-10.<sup>3</sup> Ioann. xvi. 23-24.<sup>4</sup> Luc. xi. 13.<sup>5</sup> Ioann. vi. 44.<sup>6</sup> Luc. vi. 12.<sup>7</sup> Hebr. v. 7.<sup>8</sup> In ev. S. Ioann. xvii.

At Christi Domini praeceptionem in hac re et exemplum nihil profecto luculentius comprobatur quam supremus ille sermo quem, cruciatibus proximus necique, ad apostolos habuit. In quo, sublatis in caelum oculis, spirante pectore caritatem, Patrem sanctum etiam atque etiam compellavit, id rogans id flagitans, ut arctissima inter alumnos sectatoresque suos conjunctio foret et permaneret in veritate; idque tamquam evidens argumentum legationis suae divinae in oculis gentium patesceret.<sup>1</sup>

Hoc loco gratissima enimvero observatur cogitationi unitas fidei et voluntatum, cuius gratiâ Redemptor et Magister noster in ea supplicatione ingemebat: quam unitatem, rei quoque civili domi forisque perutilem, haec vel maxime tempora, dissociatis adeo perturbatisque animis, plane deposcunt. Quantum in Nobis fuit, nihil admodum quod Christi exemplum et conscientia officii admoneret, videmur praetermisisse vigilando, hortando, providendo; Deoque imploratione supplicavimus humili et supplicamus, ut nationes de fide christiana dissentientes pristinam tandem repetant unitatem. Id proximo tempore non semel affirmateque significavimus, neque uno concilii modo acriores in idem curas conferre institimus. Quam vero feliciter Nobis beateque, si rationem pastorum principi instante iam tempore reddituris, id contingat ut de his votis, quae ipso aspirante et ducente aggressi sumus perficere, libamenta ei non exigua fructuum afferamus! Per hos autem dies magna cum benevolentia et spe habemus animum ad Anglorum gentem conversum; in qua intuemur crebriora et manifestiora indicia divinae gratiae, salutariter animos permoventis. Satis enim apparet, ut quotidie offendat non paucos communitatum suarum in rebus maximis vel confusio vel repugnantia; ut alii videant qua opus sit firmitate adversus novum variumque errorem, in prava naturae et rationis placita abeuntem; ut augeat hominum numerus religiosiorum ac prudentiorum, qui coniunctioni cum Ecclesia catholica instaurandae ex animo multumque studeant. Eloqui vix possumus quam vehementer et haec et similia plura caritatem Christi in Nobis acuant; quantâque contentione uberius a Deo gratiae munera devocemus, quae animis ita affectis infusa, in fructus exeant optatissimos. Eos videlicet fructus, ut *occurramus omnes in unitatem fidei et agnitionis Filii Dei.*<sup>2</sup> *Soliciti servare unitatem spiritus in vinculo pacis: unum corpus et unus spiritus, sicut*

<sup>1</sup> Ioann. xvii. 21.

<sup>2</sup> Eph. iv. 13.

*vocati estis in una spe vocationis vestrae ; unus Dominus, una fides unum baptisma.*<sup>1</sup>

Vos igitur omnes, cuiusvis communitalis vel instituti, quocumque in Anglia estis ad hoc unitatis sanctae propositum revocandi, sermo Noster peramanter appellat. Sinite obtertemur vos per sempiternam salutem perque gloriam christiani nominis, ut preces fundere atque vota summo Patri caelesti demisse impenseque facere ne renuat. Ab ipso, omnis luminis largitore omnisque recte facti suavissimo impulsore, opportuna petere adiumenta contendite, ut liceat vobis doctrinae eius plene dispicere veritatem, eiusdemque misericordiae consilia fidelissime amplecti, augusto nomine interposito et meritis Iesu Christi, in quem aspicere oportet *auctorem fidei et consummatorem*,<sup>2</sup> quique *dilexit Ecclesiam et se ipsum tradidit pro ea, ut illam sanctificaret . . . ut exhiberet ipse sibi gloriosam Ecclesiam*.<sup>3</sup> Difficultates si quae sunt, non sunt tamen eiusmodi ut aut caritatem Nostram apostolicam omnini iis retardari, aut voluntatem vestram deterreri oporteat. Esto, quod rerum conversionibus ac diuturnitate ipsa dissidium convaluerit : num idcirco reconciliationis pacisque remedia respuat omnia ? Nequaquam ita, si Deo placet. Sunt eventus rerum, non provisione humana tantummodo, sed maxime virtute pietateque divina metiendi. In rebus enim magnis atque arduis, si modo sint sincero et bono animo susceptae, ades, homini Deus, cuius providentia ab ipsis inceptorum difficultatibus capit quo magnificentius eluceat. Ad solatium communis spei haud longe abest ut saeculum condatur tertium decimum, postquam missos ex hac Urbe apostolicos viros, quod initio commemoratum est, gens anglica auspicato excepit, spretaque vana numinum religione, primitias fidei suae Christo Deo consecravit. Res quidem, si qua unquam fuit, celebratione et gratiis publice digna, quippe quae vobis et magnam beneficiorum copiam et amplitudinem nominis per aetates adduxit. Tali autem ex recordatione memoriae utinam id praecipue bonum sequatur, ut studiosos recti animos cogitatio capiat et aestimatio iusta de fide ; quae non alia maioribus illis vestris tradita est, non alia nunc traditur. Nam *Iesus Christus heri et hodie, ipse et in saecula*, ut Paulus praedicavit apostolus ;<sup>4</sup> qui peropportune vos etiam hortatur ut memores situs patrum

<sup>1</sup> *Ib.* 3-5.

<sup>2</sup> *Hebr.* xii. 2.

<sup>3</sup> *Eph.* v. 25-27.

<sup>4</sup> *Hebr.* xiii. 8.

vestrorum, qui vobis locuti sunt verbum Dei; quorum intentes exitem conversationis imitamini fidem.<sup>1</sup>

Socios adiutoresque in causa tanta catholicos Angliae quorum exploratissima est Nobis fides et pietas, praecipue advocamus. Qui sacrae precationis dignitatem virtutemque frugiferam sedulo apud se perpendentes, nihil dubium quin certare velint ut in cœ suis omni ope succurrant, eisque et sibi demereantur Dei clementiam. Nam ut quis suâ causa oret, cogit sane necessitas; ut oret aliorum causâ, studium hortatur fraternum: facile autem apparet plus quidem gratiae habituram esse apud Deum precem, non quam transmittat necessitas, sed quam caritas fraternitatis commendet. Id certe christiani ab Ecclesiae usque primordiis alacres praestiterunt. In eo potissimum quod attinet ad fidei donum, praeclara sunt ad imitationem quae antiquitas tradidit; quemadmodum illi cognatis, amicis, principibus, civibus suis inflammato studio postularent a Deo *mentem obedientem in christianam fidem*.<sup>2</sup> Coniunctâ in re accedit aliud quod nos habet sollicitos. Est enim compertum Nobis, non deesse istic qui nomen catholicum teneant ii quidem, revere et professione non ita, ut aequum est, probare curent; maxime vero, in amplis primariisque urbibus, ingenti numero esse homines qui religionis christianae ne ulla quidem elementa hauserint, quique non modo nullum Deo adhibeant cultum, sed in caeca ignoratione iustitiae bonitatisque eius versentur. In haec item calamitate orandus, exorandus est Deus; velit ille, qui potest unus, aptas curationi monstrare vias, velit eorum animos viresque sustinere qui in ea ipsa causa iam desudant, velit *mittere operarios in messem suam*. Quod Nos deprecandi officium quum in filiis Nostris urgemus, eosdem pariter debemus velle admonitos, ut ne quid de se desiderari ullo modo sinant quod impetrationis fructum officiat, habeantque propemodum sibi quae Corinthiis edixit Apostolus: *Sine offensione estote Iudaeis et Gentibus et Ecclesiae Dei*.<sup>3</sup> Nam, praeter virtutes animi, quas ipsa precatio in primis postulat, eam comitentur necesse est actiones et exempla christinae professioni consentanea. Integritatis exempla et iustitiae, miserationis in egenos et poenitentiae, concordiae domesticae et verecundiae legum, optimae sunt orantium commendationes. Qui sancte colunt et perficiunt praecepta Christi, eorum scilicet votis divina liberalitas occurrit, secundum illud promissum: *Si manseritis in me et verba*

<sup>1</sup> *Ib.*, 7.<sup>2</sup> S. Aug. de dono persever., xxiii. 63.<sup>3</sup> I. Cor. x. 32.

*mea in vobis manserint, quodcumque volueritis petetis, et fiet vobis*<sup>1</sup>  
 —Id autem est quod in praesentia, consociata Nobiscum prece, singulariter a Deo velitis hortamur, ut detur vobis cives concordēs fratresque in complexum perfectae caritatis excipere.

Ad haec, Caelitum sanctorum adiungere iuvat deprecationem; cuius efficacitas quantum, hac praesertim in re, emineat, illud Augustini docet de Stephano acute dictum: *Si sanctus Stephanus sic non orasset, Ecclesia Paulum hodie non haberet*<sup>2</sup> Itaque suppliciter imploramus Gregorium, quem suae gentis salutare Apostolum Angli consueverunt; Augustinum, alumnum et legatum eius, ceterosque, quorum admirabili virtute, admirabilibus factis, ista dilaudata est altrix Sanctorum insula; singularisque patronos, Petrum Principem apostolorum et Georgium; ante omnes, sanctissimam Dei Genitricem, quam humano generi Christus ipse e cruce reliquit atque attribuit matrem, cui regnum vestro nobilissimo praeconio, tamquam *Dos Mariae*, inde a proavis est dedicatum. Eos cunctos magnis precibus adhibemus apud Deum suffragatores, ut, renovatis temporum optimorum auspiciis, ipse *repleat vos omni gaudio et pace in credendo, ut abundetis in spe et virtute Spiritus sancti*.

Peculiara vero precum officia quae iam, ad fidei unitatem, statis diebus modisque sunt apud catholicos instituta, ea curandum ut maiore et frequentia et religione celebrentur. In primisque vigeat sancta marialis Rosarii consuetudo, a Nobismetipsis tantopere exiitata: eo quidem veluti summa evangelicae doctrinae perapte continetur, ab eoque saluberrimae in populos utilitates perenni cursa fluxerunt. Hoc amplius, ad sacrae indulgentiae beneficia, quae subinde a Decessoribus sunt in eodem genere concessa, unum quoddam adiacere placet sponte et auctoritate Nostra. Id est, qui rite precem recitaverint quam huic epistolae subiicimus, indulgentiam singulis, etiam non anglis, dierum trecentorum tribuimus, plenarium praeterea, semel in mense, recitantibus quotidie, consuetisque servatis conditionibus.

Haec omnia augeat expleatque divina obsecratio Christi de unitate: quam hodierna die per sacratissimum Resurrectionis eius mysterium immensa cum fiducia iteramus: "Pater sancte conserva eos in nomine tuo, quos dedisti mihi; ut sint unum, sicut et nos . . . Sanctifica eos in veritate: sermo tuus veritas est . . . Non pro eis autem rogo tantum, sed et pro eis qui credituri sunt

<sup>1</sup> Ioann. xv. 7.<sup>2</sup> Serm. in nat. s. Steph. vi., n. 5.<sup>3</sup> Rom. xv. 13.

per verbum eorum in me; ut omnes unum sint, sicut tu Pater in me et oge in te, ut et ipsi in nobis unum sint . . . Ego in eis, et tu in me; ut sint consummati in unum; et cognoscat mundus quia tu me misisti, et dilexisti eos, sicut et me dilexisti."<sup>1</sup>

Iamvero universae Britannorum genti fausta a Deo omnia cupimus et exoptamus: summa vero precamur voluntate, ut quarentibus regnum Christi et in fidei unitate salutem vota plena eveniant.

Datum Romae apud Sanctum Petrum die xiv aprilis anno MDCCCLXXXV., Pontificatus Nostri decimo octavo.

LEO PP. XIII.

AD SANCTISSIMAM VIRGINEM.—PRO ANGLIS FRATRIBUS PRECATIO.

O beata Virgo Maria, Mater Dei, Regina nostra et Mater dulcissima, benigna oculos tuos converte ad Angliam, quae Dos tua vocatur, converte ad nos, qui magna in te fiducia confidimus. Per te datus est Christus Salvator mundi, in quo spes nostra consisteret; ab ipso autem tu data es nobis, per quam spes eadem augeretur. Eia igitur, ora pro nobis, quos tibi apud Crucem Domini excepisti filios, o perdolens Mater: intercede pro fratribus dissidentibus, ut nobiscum in unico vero Ovili adiungantur summo Pastori, Vicario in terris Filii tui. Pro nobis omnibus deprecare, o Mater piissima, ut per fidem, bonis operibus fecundam, mereamur tecum omnes contemplari Deum in caelesti patria et collaudare per saecula. Amen.

## NEW ENGLISH REATI

### DECRETUM WESTMONASTERIEN

CONFIRMATIONIS CULTUS VENERABILIIUM SERVORUM DEI HUGONIS FARINGDON, RICARDI WHITING, IOANNIS BECHII, ROGERII LAMES, IOANNIS THORN, GULIELMI EYNON, IOANNIS RUGG ET HADRIANI FORTESCUE ET SERVI DEI THOMAE PERCY IN ANGLIA PRO FIDE INTEREMPTORUM

Avitae Anglorum fidei et Catholicae Religionis faustissima illuxit dies vigesima nona decembris, anno millesimo octingentesimo octogesimo sexto, qua, per Decretum Sacrorum Rituum Congregationis, Sanctissimus Dominus Noster Leo Papa XIII. cultum confirmavit antiquiorum Angliae Martyrum, qui ab anno 1535 ad 1583 pro Fide Catholica et pro Romani Pontificis Primatu

<sup>1</sup> Ioann. xvii. 11, 17, 20, 21, 23,

occubuerunt, eorum praesertim quorum passiones auctoritate Gregorii XIII. Pontificis Maximi in templo SSmae Trinitatis de Urbe olim depictae, anno 1584 cum privilegio eiusdem Pontificis et appposito titulo, aere cusae sunt. Quum vero in praelaudato Decreto tantum quinquaginta quatuor Beati nominatim inscripti fuerint, Archiepiscopus Westmonasteriensis aliique Britanniae Praesules, tum sua tum cleri plebisque fidelis vota depromentes, ab eodem Sanctissimo Domino Nostro enixe efflagitarunt, ut Beatis iam recensitis eos etiam, quos cum illis una fides ac causa in extrema certamine sociaverat, per novum Decretum pari titulo atque honore decorandos, adnumerare dignaretur, nimirum Venerabiles Dei Servos: Hugonem Faringdon, Riccardum Whiting et Ioannem Beche, Abbates Ordinis S. Benedicti; Rogerium Iames, Ioannem Thorn, Gulielmum Eynon et Ioannem Rugg, Monachos eiusdem Ordinis; necnon Servum Dei Thomam Percy, Comitem Northumbriensem, qui oblatos cum vita honores, si modo descisceret a fide, martyrio fortiter posthabuit. Asserebant enim ex certis firmisque argumentis in medium prolatis constare hos omnes in vera Christi Ecclesia edoctos: *Quae sunt Caesaris Caesari, et quae Dei Deo esse reddenda*, superna gratia et apostolico exemplo roboratos, debitam ipsi Deo et non hominibus obedientiam una cum sanguinis effusione praestitisse, eodemque in censu habendos esse ac ceteros Martyres Anglos, quorum cultus per enunciatum auspicatissimum Decretum ab Apostolica Sede recognitus ac probatus fuit. Quas humillimas preces iidem Sacrorum Antistites speciali quoque postulatione cumularunt rogantes, ut praedictis Venerabilibus Servis Dei Ordinis S. Benedicti et perillustri Viro Servo Dei Thomae Percy adiungi possit Venerabilis Hadrianus Fortescue, Hierosolymitanus Eques, qui, ob constantem fidei Catholicae confessionem, capite plexus die 8 Iulii 1539, ab eodem Sacro Ordine Militari et in Insula Militensi antiqua ac publica religione praecipue colitur. Hanc porro Causam cognoscendam et discutiendam una cum Ordinario Processu in Anglia constructo aliisque authenticis documentis ad rem pertinentibus, Sanctissimus Dominus Noster Peculiari Coetui aliquorum S. R. E. Cardinalium, necnon Praelatorum Officialium Sacrorum Rituum Congregationis, nuperrime confirmato ac renovato, benigne commisit; praevia exegesi per R. P. D. Augustinum Caprara S. Fidei Promotorem exaranda. Quo Coetu in particulari Congregatione die VII vertentis mensis et anni ad Vaticanum coadunato, Emus et Rmus Dñus Cardinalis Angelus Bianchi,

Episcopus Praenestinus et Causae Relator, sequens proposuit dubium : *An, propter, peculiaria Romanorum Pontificum ac ipsius Leonis Papae XIII. indulta, relate ad antiquiores Angliae Martyres, qui ab anno 1535 ad 1583, pro Fide Catholica et pro Romani Pontificis in Ecclesia Primatu mortem obierunt, constet de casu excepto a Decretis sa. me. Urbani Papae VIII. in casu, et ad effectum de quo agitur ?* Emi porro ac Rmi Patres una cum Praelatis Officialibus, audito scripto et voce praefato S. Fidei Promotore, reque accurate discussa ac perpensa quoad novem recensitos Martyres, respondendum censuerunt "*Affirmative seu Constare de casu excepto.*" Super quibus omnibus, facta Sanctissimo Domino Nostro Leoni Papae XIII. per me infrascriptum Cardinalem Sacrorum Rituum Congregationi Praefectum, fideli relatione ; idem Sanctissimus Dominus Noster Sententiam Sacrae Congregationis Particularis approbare dignatus est, die 13 Maii 1895.

CAIETANUS CARD. ALOISI-MASELLA, S.R.C. *Praefectus.*  
ALOISIUS TRIPEPI, S.R.C. *Secretarius.*

## Notices of Books

ST. CHANTAL AND THE FOUNDATION OF THE VISITATION.  
By Mgr. Bongaud, Bishop of Loval. Translated from the Eleventh French Edition by A. Vistandine. With a Preface by His Eminence Cardinal Gibbons. Two vols. New York, Cincinnati, Chicago : Benziger Bros. 1875.

THE work of Mgr. Bougaud on St. Chantal and the Origin of the Visitation is one of the best religious biographies that has ever been written. It has already gone through twelve or fourteen editions in France ; and its popularity is chiefly accounted for by the conscientious fulness of its details and by the unrivalled charm of style which conveys them to the public. The life of St. Chantal, like that of her guide and patron, St. Francis de Sales, is full of human interest, and would prove attractive were it only for the stirring scenes, the historic surroundings, the social episodes, joys, sacrifices, tragedies, in the midst of which it was enacted. But, in addition to all this, the divine element is rich and profuse. The glow of religion lights up the picture. The



ways of Providence are seen through the worldly mists ; and the combination of elements and influences, acting and reacting upon one another, have undoubtedly a great fascination for the onlooker. The author possessed an unusual talent for grouping facts and weaving events into a narrative that cannot fail to captivate the reader, and maintain his interest through each successive chapter until he reaches the end of the two volumes. The glimpses which we get in these pages into the lives of such personages as the worthy President Frémyot, St. Francis of Sales, the old Baron de Chantal, are full of interest ; and the foundation and growth of the great religious sisterhood of the " Visitation " shows how active and intelligent was the life of its foundress, whilst at the same time it was spent in the closest union with God.

The translation is, on the whole, well done, and gives a fair rendering of the original. Nevertheless there are many defective locutions, and expressions that will sound unusual to those who are accustomed to pure English. A translator who can render a foreign language into idiomatic English, should also aim at rendering the spirit of the book that is being translated. The French have homely ways of saying a multitude of things against which the sense of an English reader will rebel, if he finds it literally translated. The converse is likewise true ; and as it is a first principle of literature that the style and language of a work should be suited to the subject, we cannot be surprised if the ways and forms, the habits of thought and speech, of one nation should not be entirely acceptable to another. Hence we think that this English translation of Mgr. Bougaud's work is, in many respects, defective. It contains a number of Gallicisms in expression and language, where a competent translator would have found equivalents far more in keeping with English ways and habits of thought. On this account much of the charm and finish of the original work is lost. Yet in spite of such defects, the translation substantially reproduces the original, as far as the matter and sequence are concerned, and the work will, we have no doubt, be found most useful by those who cannot read the original and desire to become acquainted with St. Chantal and the Order of the Visitation.

J. F. H.

**LIFE OF THE BLESSED MARGARET MARY ALACOQUE.** By Rev. Albert Barry, C.S.S.R. Second Edition. Dublin : James Duffy & Co.

WE welcome this second edition of Father Barry's interesting biography of the Blessed Margaret Mary, who did so much to promote the devotion to the Sacred Heart of our Lord. The work, though short and succinct, gives a vivid and striking picture of the sufferings, trials, and virtues of one of the most wonderful saints of modern times. Her early life, religious vocation and noviceship will be particularly instructive and edifying to the younger members of our convent communities ; but the wonderful story of her visions and the heavenly favours by which she was so singularly honoured will have an interest for all who wish to become acquainted with one of the great devotional movements in the history of the Church. Father Barry enters to some extent into the history of this movement, its origin and growth, and gives a most interesting account of the events in the life of the Blessed Margaret Mary which gave it such a strong and historic impulse. The work is written in a pure and attractive style and will more than repay perusal. We heartily recommend it to all religious libraries, convents, schools, and to everyone who wishes to understand and to promote the interests of the Sacred Heart.

J. F. H.

**LE SAINT ROSAIRE DE LA TRES SAINTE VIERGE.** Traduit de l'Allemand du R. P. Thomas Esser, O.P., par Mgr. Amedée Curé, ancien Aumonier de M. le Comte de Chambord. Paris : Delhomme et Briguet, 83 Rue de Rennes.

WE are glad to see the valuable work of our former colleague, Father Thomas Esser, O.P., translated into French from the original German by a very competent translator. It is quite plain that this volume on the Rosary was a labour of love to Mgr. Curé as the original was to Father Esser.

" We know of nothing on the Rosary [writes Mgr. Curé] so complete, so instructive, so touching, as this volume of the learned Dominican. From the historical, philosophical, theological, ascetic, canonical, and even artistic and poetic points of view, one finds in it everything that can be desired. The pen of the author is as happy and as elegant when it touches on the poetry of the Virgin's chaplet as it is precise and clear when it

explains the rules and statutes of the great confraternity of the Rosary, eloquent and trustworthy when it deals with the successive mysteries or the effects of the Rosary on the soul."

There are several notes and one complete chapter altogether new in this French edition. The new chapter is the eighth, and is entitled "Les Triomphes du Rosaire dans l'Eglise en General."

The early chapters of the work deal with the intimate nature and constitution of the Rosary. Its origin and denomination are treated historically with great fulness and care. The last chapters deal chiefly with the "Confraternity of the Rosary" and all that concerns its erection and work, as well as with the indulgences with which the recital of the Rosary is enriched in all possible circumstances. Through the course of six or seven centuries a great number of works have been composed on the "Rosary of the Blessed Virgin." Those who are most deeply acquainted with the literature and spirit of the subject bear testimony to the superiority of this last work by Father Esser. The work was written under the advice and directions of the present Master-General of the Dominican Order, and Father Esser has thus established one additional link between the Rosary and the illustrious Order to which he belongs. Translation from the German into the French is not always an easy task; but Mgr. Curé has done his work admirably, and those who wish to procure this excellent volume will find it written in pure idiomatic French.

J. F. H.

**LOYALTY to CHURCH AND STATE.** The Mind of His Excellency Francis, Archbishop Satolli, Apostolic Delegate. Authorized Edition. Edited by the Very Rev. J. R. Slattery, St. Joseph's Seminary, Baltimore. Baltimore: John Murphy and Co., 1895.

As Cardinal Gibbons explains in his preface to this work, it was to show his sympathy with the cause of the Negro Missions that Mgr. Satolli chose Father Slattery for the task of editing the chief public addresses which His Excellency has delivered since he went to the United States. Father Slattery is the most zealous apostle of the Negroes in the Western Republic, and the profit of the sale of this volume will go to help him. The addresses were delivered on various occasions, at receptions, banquets, and assemblies. They cover a wide field of subjects, including the Papacy, the constitution of the Church, the spirit of Catholicity, the spirit of American institutions, the unification

of national elements through the Church, education, public and private schools, associations, confraternities, &c. The account given by Cardinal Gibbons as to how these addresses were composed and delivered is highly interesting. "Though the English dress of these addresses is not of the Delegate's make, the ideas are all his. His usual method was to dictate in Italian or Latin; his secretary or one of his retinue translated into English and submitted the translation for his approval. On some occasions he has read the English speech himself, oftener it was read for him in his presence to the audience. These explanations account for the unequalness and difference of style on the one hand, for the consistency and unity of thought on the other." It is needless to say, that these addresses are well worthy of careful perusal; for although the State in America has never done anything for the Church except to give it liberty, and the relations between the two powers in that country can never be regarded by Catholics as the ideal towards which other countries should tend, nevertheless the advance of Catholicism in the United States shows what the Catholic Church is able to accomplish even with no favour from the civil powers, but only a fair field. Archbishop Satolli always bears this in mind, and his addresses prove him to be not only a careful theologian, but a watchful diplomatist. He has inherited something of the old Roman skill in ruling men, their powers of speech and of silence, their dignity, reserve and self-control. Hence the place which he has evidently won, not only in the thoughts, but also in the hearts of Americans.

J. F. H.

ANCIENT DEVOTIONS TO THE SACRED HEART. By Carthusian Monks in the Fourteenth, Fifteenth, Sixteenth, and Seventeenth Centuries. London: Burns and Oates.

THIS manual is translated from the fourth French edition by Miss M. E. Hendriks, and published with the approbation of the Father-General of the Carthusians. The little work is compiled exclusively from the writings of the Carthusian monks, most of whom lived and died long before the initiation of the present phase of the "Devotion to the Sacred Heart." It contains three meditations or elevations, and suitable prayers for each day of the month of the "Sacred Heart," but the work may be used at any time during the year; the meditations and prayers will suit any period. Though comparatively *ancient* in composition, they are ever new in spirit, and are presented in the purest of modern English.

# THE IRISH ECCLESIASTICAL RECORD

AUGUST, 1895

## A MAYNOOTH UNION<sup>1</sup>

FOR some years the superiors of the College have been urged by holy and zealous missionary priests to grant facilities for an annual reunion of those children of Maynooth who have passed from under the control of their *Alma Mater*, and are working their own way in the world. It is felt that a good deal may be said for and against this proposal. It is not a matter to be lightly taken up, inasmuch as such a reunion involves serious responsibilities. Nor yet is it without concern that we can let such an opportunity as the present pass by without making use of it to promote the designs of God, as far as He deigns to reveal them, with regard both to the College itself and the many priests who are bound to us with the strong bonds of fond and hallowed memories. After mature deliberation, the trustees have decided not to stand in the way of those who wish to promote these reunions. I might go further, and say that the College is prepared to co-operate in the work. It is felt, however, that as the project is mainly for the benefit of priests on the mission, the responsibility for its conduct and success should depend in the first place on them, and that the College should take merely a secondary part—welcoming her children on their annual return, and providing for their wants with maternal solicitude.

Accordingly it will be understood that the observations

<sup>1</sup> This paper was read by the Very Rev. W. McDonald, D.D., at the recent celebration of the Centenary of Maynooth College.

I am about to make are not to be taken as recommendations, or even as proposals, on the part of the trustees or of the College staff. They are rather the suggestions of one who is little more than a past student like anyone else. The duty of making them has been assigned to me, principally, I believe, because what I say will commit nobody to anything, and because I have taken an interest in this project, and have done my best to get the association started. If a beginning is to be made at all, somebody must step forward and make a proposal. This is the utmost that I propose doing on the present occasion.

I will commence then by asking myself the very pertinent question, which each of you has very probably been asking both himself and his neighbours, why it is desirable that an association of past students should be established in connection with the College. I find, on reflection, that I, for my part, am influenced principally by the following reasons :—

1. In the first place, I understand that similar unions have been established in connection with other colleges, lay and ecclesiastical, and have been found to work for good. Clergymen, lawyers, doctors, men of letters and men of business, are invited annually to spend a day in the school where they were trained as boys. They do return occasionally, and find the hours pass, not unpleasantly, in the company of old companions, of fresh, young faces, and possibly of old-time superiors, whom they cannot help regarding still with a certain timidity mixed with affection and reverence. Why should we not pay an occasional visit to college as well as to school?

As a matter of fact we find that the universities have their reunions of various kinds, and often during the year. I think I have read of country parsons taking their wives and daughters to visit Oxford on Commemoration Day. Cambridge has its Commencement as Oxford has its Commemoration. Everyone knows with what pleasure not only past students but others receive cards of invitation to the

various reunions at Trinity College. The foremost men in the professions are complimented when asked to attend or even to speak at the inaugural meetings of students' societies. Are priests alone to keep their backs steadily turned on old haunts and old associations?

You may say that the examples quoted are those of secular institutions, whose members come together rather for purposes of amusement than for any project of a higher and more spiritual order. I do not think the objection holds in case of the reunions at literary societies to which I have referred. I might even urge what is undoubtedly true, that these amusements are encouraged because they are found to promote the influence of the universities in the world, and that Commemoration, Commencement, and similar festivities at the various universities, are but survivals of those that took place in the Catholic schools of the Middle Ages, when the graduates, and especially the doctors and masters, took their degrees.

But even among ecclesiastical colleges of our own day there are not wanting some whose students pay an annual visit to their *Alma Mater*, and who find that on returning to their posts in the world, they are sustained by her counsel and cheered by her smile. There are priests on the mission in England, of whom some, no doubt, are present in this hall, who will tell of the sadness they feel when they hear their fellow-priests recount the incidents of the reunions of the different seminaries, and who look forward to the day when possibly they may be able to mingle once more with their Irish fellow-students, and to bring back with them to their crowded missions kindly memories of the warm greetings they received, and possibly also of the wise words they listened to, when they had the happiness of renewing old friendships within the walls of the College of which they are so proud.

Coming nearer home, I rarely find myself in a company of Irish ecclesiastics—and the same will be said by everyone connected with the College—but I am questioned minutely as to places and persons. "Who is teaching the Fourths now? Murray had charge of them in our time;

and what a deal of prudent advice he used to give us in his humorous way. The classes were not united then. Croll had the Thirds; he lived in such a place. Who is now occupying his rooms? And you have succeeded to O'Hanlon." Here a certain sadness comes over the questioner. "Ah! there was a Dunboyne in his time."

Other memories are recalled; you pass from the old staff to the old students. Such a one died early in his ministry—"raptus ne malitia mutaret intellectum ejus." Another became a bishop, or a dean, or he is the vicar-general of his diocese, or he entered a religious order, or possibly he was unfortunate—alas! that such should be. Persons remind you of places, both being curiously associated in these awakening memories. You know all the rooms wherein you lived, can picture them quite plainly; you stand within them once more. You recall your favourite spot in the chapel; the picture before which in the darkling twilight you used to pour forth your young heart with a fervour and unselfishness to which you may have been long a stranger. You can point out the very flag whereon you knelt when the bishop's hands were laid on you in ordination. You melt as you think of all these. Tears may well up in eyes that have gazed unsoftened on a thousand scenes of sorrow. It does you good to be brought back thus in imagination to an earlier and purer time, when the love of God burned bright in fresh and generous hearts. Why not come and ramble quietly through the dear old places, alone or may be with some fellow-student? Why not meet again the companions of those pure early days—meet such of them as remain, and talk over and learn a lesson from those that have passed away?

I know that some may be inclined to sneer at this, as an appeal to emotion rather than to intelligence. I hope they are few. There are frigid souls whose patriotism would not gain force on the plain of Marathon, whose piety would not glow among the ruins of Iona. They think it a loss of philosophic dignity if they open their hearts to a generous enthusiasm; or they imagine that a priest must be not quite steadfast in virtue, who would strengthen his spiritual qualities by kindred movements of a lower order. One



begins to suspect the sincerity of these pure-souled philosophers, when we find them, as we do occasionally, so wrapt in the enjoyment of the sensible things of the present, that they are unable to make allowance for the influence of the past on souls less devoted to self. When art shall prove incapable of stimulating to pure thoughts and high endeavours; when relics of saints and heroes shall fail to excite the least spark of patriotism or devotion; when parents or children can gaze unmoved and unchastened on angel faces long since loved and lost, then may we submit to form our lives wholly on principles of cold intelligence, without exposing our angelic nature to the degradation of being influenced by objects of sense. I have nothing but pity for the philosophy that does not blush to eat and drink and sleep, to indulge in a daily round of lower sensual pleasures, and is ashamed only of the more refined and elevated sentiments which combine with our spiritual motions to distinguish us from the brutes.

This is the first reason that prompts me to desire the establishment in connection with the College of a union of former students. It would bring the influence of the past to bear on the present; and it both stands to reason, and is proved by universal experience, that this influence is a power for good that is not to be neglected or despised.

2. In the second place, I believe that the proposed annual visit of past students to their *Alma Mater* would foster a spirit of sympathy between the College and its former members; and that both parties would benefit greatly by being thus knit more closely and more firmly together. It seems to me that the influence of a seminary ought not to cease at ordination, as the nest of a wild bird is useless when the young are fledged. Rather, as a good woman takes an interest in her children, even when they have left the shelter of her home—cheering, consoling, or admonishing them; welcoming them when they return at some festive season;—so the superiors, professors, confessors, by whom ecclesiastical students were trained in College, should, as far as possible, take an interest in them after they have left the nest; and without claiming

any authority over them in their new positions, should be ever ready to advise and cheer and comfort them in their endeavours to practise in the world, often under great difficulties, the principles that were instilled into them during their seminary life.

I cannot but advert here to the vast assumption I am making,—that men who have proved themselves so very incompetent as directors of students, should be set up as capable of advising those who have had on the mission vast experience in the guidance of souls. I do not say that all priests in this or any other college are, and always will be, what they ought to be; nor, even though they were, that they would be capable of continuing to direct all priests on the mission. The seminary, however, will have fallen very low, if none of its officials are capable of exerting a useful influence on a large body of those whom they trained, especially during the earlier and more trying years in the mission. Nay, I am not afraid to express a belief that most priests whose lives are passed in the busy world, taken up with missionary work, occupied with the affairs of individuals, families, charitable institutions, social and political questions, with few hours free for converse with the great minds whose wise sayings are preserved in books,—I do not fear to say that men of this kind will have problems forced upon their attention of which they do not see the solution, and with regard to which they might converse with profit with those whose life of retirement and study has this great advantage, that it gives time to think.

I might go even further. It must have struck everyone that the problems of life with which you are hourly dealing are very many-sided; that the point of view of any one class of men is limited, and that we can always learn something about matters on which we are most intent, by talking them over with those whose standpoint is different from ours. Now there are three great divisions among those who serve God in the ministry—men of action, men of study, and men of prayer. Not as if there were no study in prayer, nor prayer in work or study for the glory of God; but that the immediate object that engrosses the thoughts is very

different in each case. It seems to me that the cleverest student has much to learn from the experience of men of action, and still more from the spiritual insight of simple souls, whose only books have been the crucifix and the tabernacle. But it is no less true that contemplation is assisted by the study of God's ways in nature, and that men of action are sometimes tempted to provide for present emergencies by the sacrifice of principles that to practical minds may seem nothing more than metaphysical subtleties, but which are seen by students to run through all nature, which must decay and collapse on every side when these saving principles become corrupt.

Reasons of this kind convince me that a missionary priest may derive great benefit from keeping in contact with the seminary, whichever it was, in which he was trained. He will take more kindly to the men of prayer or of study who had a hand in his formation. And when they have passed away, he cannot help regarding as his own, in some measure, those who have succeeded to the same place in his college. Nor will the seminary be without benefit from the connection. There is no knowing what good may be done in an institution like this, both to the priests and to the students, by the advice, the remonstrance, the warning, of good priests whose lives are passed in the world, and who are daily brought face to face with the dangers which the youths in seminaries should be trained to meet and to conquer.

I do not disguise from myself—and in this I am sure I speak the sentiments of the superiors and professors of seminaries the world over—that in every place like this there are two evil tendencies constantly at work to impair our efficiency for the discharge of the task committed to us: a tendency, on the one hand, to allow discipline to relax; and, on the other, a temptation to insist overmuch on the niceties of scientific speculation, to the disparagement of that practical turn, both of intellect and will, that enables the pastor of souls to deal compassionately and tenderly—humanly—with poor, weak men, without sacrificing the least of the principles that he was taught in the schools.

Discipline, like everything else in the world, must be

considered good or bad according to the effect it produces. If young priests leave the seminary unfitted for the work of the mission, or less fit than they might be made, it is a proof that the discipline of the establishment is either faulty, or not as perfect as it ought to be. Now, who can judge as well as you of the fitness for their work of the young priests whom every year you are receiving into your ranks? You see their work on the mission, how skilfully or otherwise it is performed. You see them mix in the world, withdrawing themselves with regret from the retirement of the presbytery and the company of their fellow-priests; or sharing freely, and even eagerly, in pleasures that sober laymen are careful to indulge in with the greatest caution. If the priests we are sending you are more frivolous, more given to amusement and show, less attentive to the duties of residence, of prayer, of preparing duly to preach the Word of God, less sympathetic with the poor, the sick, with decent people of the humbler classes, than were those who preceded them in the ministry by two generations, the fault is not theirs alone, but ours also. They are what they were made here; and if a remedy is needed, let it be applied to the root. No one knows our defects better than you, the priests of Ireland, who are daily witnesses of the working of those that are stamped with our stamp.

It is our happiness to meet now and then with individuals of your body, who call our attention to certain defects in our system of training—always with great kindness and affectionate solicitude for the fair fame of *Alma Mater*, and the welfare of the Irish Church. Do not imagine that these admonitions are fruitless. The more sympathetic they are, the more they are likely to tell with generous hearts. And so I am persuaded that the more closely you are knit to us in bonds of mutual sympathy and kindly feeling, the greater shall be our influence on one another for good, making allowance always for the defects that are irremediable, without failing to point out in what particulars our system of training might be improved.

One of the drawbacks that are inseparable from a large place like this is, that, owing to our very numbers, it is

impossible for the staff to cultivate those more familiar and intimate relations with students that are so much appreciated and so valuable where they exist in smaller communities. The difficulty is all the greater as regards those who have passed from under our care. When the family is small, it is easy for the parents to lavish caresses on their children; but when there are more than six hundred being nurtured at the same time, and thousands scattered here and there all over the world, it becomes an absolute impossibility to keep in touch with them in the way one would wish—to express our sympathy with their individual ever-recurring joys and griefs, in any way that would even remotely resemble the tender bonds by which members of a family are bound together.

Remember, moreover, that the College staff have other duties to perform, that are equally, and even much more important, and require a deal of time. Evils would be rather intensified than diminished if the priests of this community were to neglect study or discipline in order to be free to attend to those who, after all, are not at present under their charge. Now, it is one of the advantages of an annual meeting such as is projected, that the College could show its love for past students, while promoting rather than sacrificing any interests of a higher kind. You yourselves could thus return much more freely, knowing that your presence would be something that we should very much desire. The greater the number who would show their affection for *Alma Mater*, by joining in the annual reunion, the greater would be the compliment that your visit would convey. I can well understand how many a retiring missionary is deterred from returning to revive old associations, by fear of the inconvenience that a visit might cause. If there were a day appointed for a general meeting, there would be no fear of any such inconvenience; and thus the old and the new would be linked together, to their great mutual advantage.

3. Besides the benefits to be derived from the periodical renewal of old associations, and the growth of sympathy between present and past members of the College, these annual reunions would become occasions of religious and

literary exercises that would slowly but surely tell on the Irish Church.

The meeting might commence with a religious exercise, say, with Mass. Whether this would be a High or a Low Mass, would depend on circumstances that could only be determined afterwards—the number of visitors and the time of the year when the reunion might take place. In any case, we may well hope that as priests would return from their missions full of holy memories of their College days, so they would conduct these religious exercises in such a manner as would lead to the correction of faults, and the more perfect observance of the ritual of the Church.

There might be a sermon, too, or lecture, which would not aim at show, but at virtue; in which faults would be pointed out, and means of reformation suggested; which would not flatter us by ministering to our pride or vanity, but rather insist on what we ought to be while showing us plainly what we are. It would be preached somewhat after the manner in which St. Vincent de Paul addressed his conferences, the speaker not being one with a reputation for oratory to sustain, but some pious but fearless priest, whose simple, earnest words might serve as a model to each of how he should instruct and admonish his own people. Religious exercises so conducted, as we might expect them to be conducted by those who would be likely to join our Union, could not fail to have a very beneficial effect.

In the afternoon there might be a conference, at which papers might be read, and opinions interchanged. With a good committee to make arrangements beforehand, there is no knowing what reforms might be thus effected, restoring and maintaining ecclesiastical discipline, as well as raising the intellectual level both among the priests on the mission and within the College itself.

Everyone feels the necessity of some intellectual progress within the body of the Irish clergy. Our people are not what they were; the schoolmaster, the newspaper, the social and political agitator have been abroad in the land; with the result that the faithful generally in our towns, and many even in country districts—those of them who read the

newspapers, and especially those who dabble in periodicals—have become critical not only of our conduct, but even of our doctrines. The question is, not whether in this there is true progress or rather retrogression ; it is change, at least—a great and important change. What concerns us is, whether such a movement among our people does not necessitate a greater intellectual activity among ourselves ; and further, whether, as a matter of fact, we are more intellectually active than were our predecessors in the Irish Church, whose duty lay in earlier and happier times among a simpler and more trustful people.

Let us take care that while the great world marches onward we do not lag behind ; or, what would be worse, allow ourselves merely to be borne onward with the stream. It has been and is the boast of the priests of Ireland, that they lead their people. Can this be true, if the more educated of our laity, those who have graduated in the universities, or who are in touch with the literature of the day, are beset with doubts for which we have no solution, to which we have never given serious thought or study ? Even in social and political matters, is it not possible that those who think themselves leaders may themselves be led—led by the daily or weekly paper, by writers and speakers, of whom the best that can be said is, that their intentions are good, and their faults due to the fact that they have never been trained in the principles of Catholic politics or sociology ? Leaders, indeed, and incapable of bending ourselves for one hour to the serious perusal of even a hand-book of the sciences in the development of which we pretend to lead !

It is not for me to apportion the blame for any intellectual torpor that may seem to have settled on the Irish Church. There may be no stagnation at all ; we have the reputation of solid learning and common sense. Would to God that we could be satisfied that our intellectual activity is in proportion to our talents, or in proportion to that which prevails in other portions of the Church. It may be that our defects are due in large measure to our training ; that our priests have no taste for theological or philosophical inquiry, because they see how old-fashioned, rusty, useless,

are the weapons in learning the use of which they spent so many years. They see themselves face to face not with Nestorians or Monothelites, Lutherans or Calvinists—the *adversarii nostri* of whom they heard in college, and still read in books; but with Materialists, Rationalists, Socialists, Revolutionists—foes who care not a jot for principles that might be taken for granted when dealing with the Church's bitterest enemies in times gone by.

I have heard charges of this kind made against our system of teaching. I do not say that they are well founded, being convinced rather that in philosophy and theology, as these sciences have been traditionally taught in the Catholic schools, is found the surest refutation of even the most modern forms of error. We may, indeed, linger too long over buried controversies, and we may not have had time to thoroughly examine the scientific and historical hypotheses that frighten so those who cannot possess their souls in a little patience. It requires no time to rush to rash conclusions; while thoroughly sound investigation necessarily means delay. But if it should happen that the theology or philosophy of the College is not up to date, it is you who will feel it most—you who find yourselves in daily conflict with the enemy. In that hypothesis one of the strongest reasons that could urge you to join the proposed union, is that you might have an opportunity of taking part in these afternoon discussions, and of pointing out how unsatisfactory is the treatment which these new phases of error receive at the hands of those who teach our classes and who write our books. Professors and authors who are behind the age may impose on seminarists their musty wisdom, but they will be made to feel how feeble are their arguments when brought face to face with the objections that you say you find so difficult to answer when pressed well home by men of the world.

While I, for one, am fully alive to the advantages that professors must reap from comparing ideas with thoughtful missionary priests, I am no less convinced that preparation is necessary if these papers and discussions are to have their full effect. Anything that is worth



listening to, supposes thought and training in those who listen; no one needs enlightenment with regard to matters that are so obvious as to need no study. And if there is to be a discussion at all, it should be conducted intelligently, by those who are aware of the importance of the subject, and who have something to say that a truth-seeking man may not disdain to hear. I have no doubt but that arrangements can be made whereby time can be secured for this preparation. This is a matter of detail which, like all such, would be best managed by a small committee of experienced men.

This, perhaps, is the most suitable place to deal with the contention that the time is not ripe for these theological discussions—that persons cannot be got to present papers dealing with the questions of the day, nor to make such thoughtful preparation before the meetings, as would enable them to appreciate dissertations submitted by others. It is well known that the forms of errors most prevalent, follow with logical necessity from erroneous views with regard to first principles; and how, it is asked, are we to expect a body of missionary priests to interest themselves with these?

If the fears and anticipations on which this reasoning is based be well founded, it seems to me to follow, not that we ought to do nothing yet awhile, but that we should begin at once. There are many questions that regard ecclesiastical discipline merely, and are thus closely connected with our own spiritual life—questions in Moral Theology and Canon Law—that may be discussed intelligently and profitably without digging very deep into the essences of things. I have a suspicion that all the errors of the day are not confined to heretics and infidels, nor even to the laity, and that we ourselves need some enlightenment with regard to matters of morals as well as of faith, matters that crop up in our daily lives.

With regard to more abstruse speculations, I do not hope that much can be done at an annual conference of missionary priests. We could, however, do something—we

could show how much needs doing, to begin with. Dangers might be pointed out; the unreflecting might be made to see that great principles are involved in certain lines of thought and action; and these admonitions could hardly fail to make us all more careful not to commit ourselves to conclusions until we are quite sure we may depend on our view of the principles from which they are drawn. Very little would suffice for an annual conference—at least we might begin in a very modest way. Two or three men would find little difficulty in making these conferences very instructive; and I do not despair of finding among our past students much more than the number ready to do this annual service for their fellow-priests, for the College, and for the Irish Church.

These are the principal advantages that seem to me likely to accrue from the projected Union—(1) a renewal of old friendships and old associations; (2) the fostering of a spirit of kindly sympathy between the College and past members; (3) and an increase of the ecclesiastical spirit and of a taste for study in the Irish priesthood. There are many other ways in which the association might do good. For example, it would be necessary that the members should contribute annually a small sum to meet expenses. The balance of this fund could be made to serve many a useful purpose;—the spiritual succour of deceased members, the promotion and encouragement of literary and scientific projects, the printing or re-printing of works which, though of great value, are, for that very reason, purchased by very few.

In these and many other ways the association might contribute in no small measure to promote the interests of individual members and the general advancement of religion, not in Ireland only but in every country where the Irish race is found. You will naturally inquire what steps should be taken in case a sufficient number make up their minds that this Maynooth Union is a feasible and useful project. You will be asked, I understand, to appoint a committee whose duty it will be to draw up rules of association, to be

afterwards submitted to and accepted by the members of the Union. Of course it will be necessary that these rules should be approved by the bishops, who, as superiors of the clergy, whether outside or within the College, must feel deeply interested in a project which, however it may promise to turn out beneficial, is not without its possibilities of danger, too.

I will conclude by reminding you of the position of the bishops in this matter. They merely permit a certain number of past students who are interested in this project, to lay the matter before their fellow-students on this solemn occasion. No doubt many of their lordships sympathize with us in this endeavour, and wish us success. I take it, however, that in doing so they act in their private rather than in any official capacity,—as past students for the most part themselves, rather than as bishops and trustees of the College. You will understand that I have no commission to speak either in their name or for the College staff. I speak for myself, and for a number of other past students, who take an interest, as all do, in the advancement of ecclesiastical studies both in the College itself and among those who have left its halls, and who think that the proposed Union is well calculated to promote the object they have in view.

W. McDONALD, D.D.

## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### VIII.—BEQUESTS IN FAVOUR OF NUNS AND CONVENTS— (continued)

THE following points may be taken as established, or as indicated, by the decisions in the cases examined in the last number of the I. E. RECORD :—

(a) When a bequest in favour of a Convent is not assigned, in some sufficient way, to a legally charitable purpose, it will not be upheld as valid if it is a bequest *to the community as a continuing body*, that is, to the community as comprising all those individuals who may successively become members of it, from time to time, as long as the Convent lasts.<sup>1</sup>

(b) A bequest in favour of a Convent will be upheld as valid, whether the bequest is assigned to a legally charitable purpose or not, if it is a bequest *to the community as existing at the time of the testator's death*; that is, in other words, if it is a bequest to the individual nuns, whatever their number may be, of whom the community may then happen to consist.<sup>2</sup>

(c) In the drawing up of bequests in favour of Convents, care should be taken to secure their legally charitable character, unless for some special reason it would be undesirable to make them legally charitable; if, for any reason, this would be undesirable, care should be taken not to leave them open to the construction that they are bequests to the community as a continuing body.<sup>3</sup>

(d) A bequest made simply "to the Sisters of Charity" at Selley Oak—a community of nuns associated for legally charitable works—has been held to be charitable, the fact that the Sisterhood was associated for charitable purposes

<sup>1</sup> See I. E. RECORD for July, 1895, page 598.

<sup>2</sup> *Ibid.*, page 602.

<sup>3</sup> *Ibid.*, page 598.

being regarded as sufficiently impressing a charitable character upon the bequest.<sup>1</sup>

(e) A bequest to the Sisters of Mercy at Ballinasloe, "for the use and benefit of *the community*," has been held not to be charitable.<sup>2</sup>

(f) A bequest, "to the Dominican Convent" at Carisbrook—a Convent of a "contemplative" Order—has been held not to be charitable, but has been upheld as valid, the Court interpreting it as a gift to the community as existing at the time of the testator's death.<sup>3</sup>

We may now proceed with the examination of the remaining cases that have been decided :—

6. *Mahony v. Duggan*.<sup>4</sup> In this case, there was a bequest in favour of a Convent of nuns of the Order of the Good Shepherd, in Cork, for the reclaiming of fallen women, £2,500 being left to trustees with a direction

"To invest the same . . . and apply the interest towards the general support and maintenance of said nuns and Convent."

This case was decided by the Master of the Rolls (Sir Edward Sullivan), in March, 1880.

The bequest was clearly in the nature of a perpetuity, as the fund bequeathed was to be permanently invested, and the interest of it applied, from year to year, to the maintenance of the nuns and Convent.

But the bequest, though it was in perpetuity, was upheld as valid<sup>5</sup>—"the reclaiming of fallen women" being an undoubtedly charitable purpose, and the support and maintenance of the nuns and Convent being the means by which that charitable purpose was to be effected. The words, "general support and maintenance of said nuns and Convent" were judicially interpreted by Sir E. Sullivan as follows :—

"Money must be supplied for the support of the nuns and of the penitents. They must be supported and clothed; and my

<sup>1</sup> See I. E. RECORD, July 1895, pages 612-616.

<sup>2</sup> *Ibid.*, pages 605-612.

<sup>3</sup> *Ibid.*, pages 116-618.

<sup>4</sup> 11 L. R. Ir. 260.

<sup>5</sup> See I. E. RECORD, February, 1895, pages 109-111.

interpretation of the subsequent words, 'general support of said nuns and Convent,' is that the funds are to be applied for the feeding and clothing of the nuns employed in the purpose of reclaiming fallen women, and in the feeding and clothing of the penitents who shall be received into the Convent. That, in my opinion, is the meaning of the words, 'general support and maintenance of said nuns and Convent.'"<sup>1</sup>

It will be observed that—like Vice-Chancellor Wickens in the case of the bequest to the Sisters at Selley Oak,<sup>2</sup>—Sir E. Sullivan, in recognising that when nuns are thus associated for a charitable purpose the maintenance of the nuns themselves is a charitable purpose, took, apparently, a somewhat wider view of the range of legal charity than was taken by Lord Chancellor O'Hagan and Lord Justice Christian in the case of *Stewart v. Green*.<sup>3</sup>

Still, Sir E. Sullivan's judgment cannot be regarded as in any way conflicting with the decision in that case. He did not hold the bequest "for the general support and maintenance of the nuns" to be a charitable bequest except in so far as "the support and maintenance of the nuns" is connected with the charitable purpose for which the Convent exists, and is *a means to the attainment of that purpose*. A bequest made absolutely, as the bequest in *Stewart v. Green* was, "for the use and benefit of the community," might well be regarded as capable of being stretched a good deal in advance of this. There is nothing in Sir E. Sullivan's judgment to indicate that he would have regarded such a bequest as charitable. He distinctly states, in fact, that he regards the bequests in the two cases,—the case of *Stewart v. Green*, and that of *Mahony v. Duggan*, then before him,—as standing upon altogether different footings.<sup>4</sup> On the other hand, there is little or nothing in the judgments in *Stewart v. Green* to indicate that the Judges who decided that case might not have recognised as charitable a bequest "for the general support and maintenance of the nuns and Convent," if a case such as this of *Mahony v. Duggan* had come before them for decision.

<sup>1</sup> 11 L. R. Ir. 266.

<sup>2</sup> See I. E. RECORD, July, 1895, pages 613-615.

<sup>3</sup> *Ibid.*, pages 607, 615.

<sup>4</sup> 11 L. R. Ir. 267.

7. *Re Delany's Estate*.<sup>1</sup> In this case, there was a bequest of lands,<sup>2</sup>

“To the Most Rev. Dr. Delany, Roman Catholic Bishop of Cork, or other the Roman Catholic Bishop of Cork for the time being, in trust for the Sisters of Mercy at Bantry.”

The case came before Judge Ormsby, in the Land Judges' Court, in December, 1881, on a motion, made on behalf of the nuns, for the sale of the lands in question. The petition for the sale was opposed by the heir-at-law of the testator, on the ground that the bequest was invalid, as an attempt to create a perpetuity for a non-charitable purpose.

The bequest being simply in trust “for the Sisters of Mercy” at Bantry,—no charitable purpose being mentioned,—it was contended, on the authority of the decision in *Stewart v. Green*,<sup>3</sup> that the bequest should be held to be non-charitable. Then the expression, “the Sisters of Mercy at Bantry,” was relied upon as showing that the bequest contravened the rule against perpetuities, on the ground that it was a gift to the community as a continuing body,<sup>4</sup> comprising not only the nuns who were members of the community at the time of the testator's death, but also all who should be members of it at any time hereafter, whilst the Convent continued to exist.

Judge Ormsby upheld the bequest as valid. Whether it was charitable or not, there was, he considered, nothing of a perpetuity in the case, the bequest being a gift to the bishop, in trust for the Sisters, which was to take effect, once for all, at the testator's death.<sup>5</sup> In other words, he held that it was a complete present gift to the nuns of whom the community might then happen to consist, and was not in any way a gift to the community as a continuing body.

On appeal, Judge Ormsby's decision was upheld, in March, 1882, on the lines of his judgment, by a unanimous

<sup>1</sup> 9 L. R. Ir. 226, 236.

<sup>2</sup> See the note as to the use of the word “bequest” in these papers I. E. RECORD, July, 1895, page 594, *footnote* 2.

<sup>3</sup> See I. E. RECORD, July, 1895, pages 605-612.

<sup>4</sup> *Ibid.*, pages 598, 602.

<sup>5</sup> *Ibid.*, page 602.

judgment of the Court of Appeal, consisting of the Lord Chancellor (Law), and the two Lords Justices of Appeal (Deasy and FitzGibbon).

The Lord Chancellor, in giving judgment, said :—

“ I agree with the learned Judge of the Land Court in interpreting this trust as one simply for the individual ladies who, at the time of the testator's death, filled the characier of Sisters of Mercy at Bantry.”<sup>1</sup>

Counsel had ingeniously argued from the use of the expression, “ to . . the Most Rev. William Delany, Roman Catholic Bishop of Cork, or other the Roman Catholic Bishop of Cork *for the time being*,” that the bequest was in trust, not for the Sisters of the community as existing at any particular time, but for the Sisters “for the time being,” that is, from time to time, indefinitely, and that it therefore was a perpetuity.<sup>2</sup> The Lord Chancellor disposed of this difficulty as follows :—

“ At first sight, indeed, it might appear as if the expression, ‘ the Roman Catholic Bishop for the time being,’ as used by this testator, meant an indefinite succession of Bishops as trustees, thus pointing to a trust of indefinite duration. But on examining the whole will, it is sufficiently clear that the testator—no doubt somewhat inaccurately<sup>3</sup>—used the words, ‘ for the time being,’ not as meaning ‘ from time to time for ever,’ or indefinitely, but as pointing merely to *the time of his own death*. This, I think, is plain when we look to the charitable legacies of £1,000 [other legacies in this same case] similarly left to ‘ the bishop for the time being,’ but which are directed to be applied by him, ‘ forthwith,’ in the way there specified.”<sup>4</sup>

Lord Justice Deasy, expressed his concurrence in the Lord Chancellor's judgment, upholding the bequest as valid, on the ground that it was not a perpetuity, but a complete present gift to the Sisters of whom the community

<sup>1</sup> 9 L. R. Ir. 241.

<sup>2</sup> See I. E. RECORD, July, 1895, pages 598, 602.

<sup>3</sup> *Ibid.*, page 610.

<sup>4</sup> One of the other bequests referred to by the Lord Chancellor, was “ to the Most Rev. William Delany, Bishop of Cork, or other the Roman Catholic Bishop of Cork for the time being, . . . £1,000, which I direct *forthwith* to be applied *by him* for the benefit of the Convent of Mercy at Bantry, &c.”

<sup>5</sup> 9 L. R. Ir. 241.



consisted at the time of the testator's death. He quoted the words of the English Vice-Chancellor in the case of the bequest to the Carisbrook Dominican Convent, in *Cocks v. Manners*,<sup>1</sup> that, when the gift was received, and placed in the "common chest" of the community, it would be subject to no trust which could prevent the existing members of the community from spending it forthwith, so that it would be "an extreme stretch of the rule against perpetuities" to take it as applying to a gift of this sort.

Lord Justice FitzGibbon, in expressing his concurrence in the judgments of the Lord Chancellor and Lord Justice Deasy, said, in reference to this point :—

"I decline to impute to 'the Sisters of Mercy at Bantry' the attributes of a corporate body,<sup>2</sup> which they do not legally possess, merely in order to destroy the gift to them."<sup>3</sup>

In giving judgment in a subsequent case, *Re Wilkinson's Trusts*,<sup>4</sup> Lord Justice Fitzgibbon referred back to this case *Re Delany's Estate*, calling attention to a point in it that brings out with striking force the closeness of the parallel between it and the case of the bequest to the Dominican Convent at Carisbrook, in reference to which Vice-Chancellor Wickens used the expressive phrase that the money when received would be put into "the common chest" of the Convent.<sup>5</sup>

In his judgment in *Re Wilkinson's Trusts*, Lord Justice Fitzgibbon said :—

"It is well to call attention to the peculiar circumstances under which that case [*Re Delany's Estate*] came before the Court.

"The trust was 'for the Sisters of Mercy at Bantry,' and the trustee applied to sell the lands out-and-out, *in order to convert them into cash to be paid into the common chest of the community* . . . The moment it was decided that the members constituting the community were *entitled to have the lands sold* for their benefit, the question of perpetuity was out of the case."<sup>6</sup>

<sup>1</sup> See I. E. RECORD, July, 1895, page 617.

<sup>2</sup> See I. E. RECORD, June, 1895, page 502, footnote 2.

<sup>3</sup> 9 L. R. Ir. 245.

<sup>4</sup> This is a case of considerable interest and importance. It will be examined at length in the next number of the I. E. RECORD.

<sup>5</sup> See I. E. RECORD, July, 1895, page 617.

<sup>6</sup> 19 L. R. Ir. 540.

Thus, quite irrespective of whether this bequest, made simply in favour of "the Sisters of Mercy at Bantry," was a charitable bequest or not, it was clearly valid,—the only possible ground of objection to its validity, even if it were not charitable, being the untenable one that it was in contravention of the rule against perpetuities.

Referring to the further question, whether the bequest was charitable, so that it would have been valid even if it were in the nature of a perpetuity, Lord Justice FitzGibbon, in the course of the judgment from which I have just quoted, said :—

"Nothing was said on that question [in the judgments in *Re Delany's Estate*] by Lord Justice Deasy or myself, as it was unnecessary for us to decide it when we came to the conclusion, as we did, that the devise [not being in the nature of a perpetuity] was a valid gift to the Sisters existing at the time of the testator's death."<sup>1</sup>

The Lord Chancellor, however, touched upon the question, leaving very little room for doubt that, in his opinion, the bequest was capable of being upheld upon the further ground that it was charitable. He said :—

"I am not altogether satisfied that the trust might not be saved from the ordinary vice of perpetuity by being regarded as charitable.

"No charitable purpose indeed is expressly stated in the will ; and there are *dicta* to be found which seem to require this when the title of the legatees does not necessarily imply such purpose.<sup>2</sup> But, on the other hand, the decision [as to the bequest to the Sisters of Charity at Selley Oak] in *Cocks v. Manners* seems to have established that a gift to a *voluntary society existing for charitable purposes*,—as, for example, in that case, for teaching the ignorant and nursing the sick,—is a charitable gift, and that the object of these voluntary associations may be shown<sup>3</sup> by parol evidence.

"I therefore desire to guard myself against being supposed to adopt the appellant's minor premise, that the gift, if to the Sisters of Mercy at Bantry for the time being, indefinitely [that is, if it had been a plain case of perpetuity], could not have been supported as a charitable gift."<sup>4</sup>

<sup>1</sup> 19 L. R. Ir. 540.

<sup>2</sup> See I. E. RECORD, July, 1895, page 611.

<sup>3</sup> *Ibid.*, page 615.

<sup>4</sup> 9 L. R. Ir. 240, 241.

It was in his judgment in this case that the Lord Chancellor commented, as already mentioned,<sup>1</sup> on the distinction between the two bequests dealt with in the Irish and English cases, of *Stewart v. Green* and *Cocks v. Manners*, respectively. The two bequests being, he considered, clearly distinct in the form of wording, he found no inconsistency between the two decisions.

Upon this point, he said :—

“ The decision in *Cocks v. Manners* seems to have established that a gift to a voluntary society, existing for charitable purposes, is a charitable gift. . . .

“ Such implication, if I may say so, of a charitable purpose is quite consistent with the judgment of this Court in *Stewart v. Green* ; because there the gift was expressly upon trust for, and to be used, administered, and applied for, *the use and benefit of the society itself*, which, as pointed out by the Lord Chancellor and Lord Justice of Appeal in their respective judgments, would be fully and literally satisfied by the application of the fund to supply the Sisterhood with ‘ improved house accommodation, or better clothing, or better food.’ ”<sup>2</sup>

In connection with the observations already made<sup>3</sup> in comparing the import of the bequest “ for the general support of the nuns and Convent,” in *Mahony v. Duggan*, with that “ for the use and benefit of the community” in *Stewart v. Green*, it may here be noted that there is nothing in the judgment of Lord Chancellor Law in this case, *Re Delany's Estate*, to imply dissent from the view taken by Sir E. Sullivan in the earlier case. In all probability, Sir E. Sullivan's judgment in that case would have been commented upon, and endorsed, in this judgment of the Lord Chancellor's if the case had been reported at the time. But, as it happened, that important judgment of Sir E. Sullivan in *Mahony v. Duggan* was not reported until long afterwards, and possibly might never have been reported at all but for an accidental circumstance which is mentioned in connection with the publication

<sup>1</sup> See I. E. RECORD, July, 1895, pages 615, 616.

<sup>2</sup> 9 L. R. Ir. 240, 241.

<sup>3</sup> See *ante*, page 690.

of it in the volume of the Law Reports<sup>1</sup> in which it eventually appeared.

8. *Morrow v. McConville*.<sup>2</sup> In this case, there was a bequest of one moiety of the profit-rent of the testator's property. It was left to trustees, who were appointed with a provision for the appointment of successors in the trust from time to time, during the term of testator's lease of 999 years, with a direction to apply the profit-rent—

“To the use and benefit of the Roman Catholic Convent of St. Joseph's, Lurgan.”

This case came before the Vice-Chancellor (Chatterton) in February, 1883, and was decided by him in the following April.

Clearly there was only one point open to question in the case.<sup>3</sup> It could not be denied that the bequest was in the nature of a perpetuity. Hence, the only question was, whether it was charitable. If it was not charitable, it was necessarily void.

As to whether this bequest was charitable, the Vice-Chancellor considered that the case was governed by the decision in *Stewart v. Green*.<sup>4</sup> That decision, as a decision of the Court of Appeal in Ireland, was, of course, binding upon all Courts of First Instance in Ireland. It affirmed that a bequest in favour of the Sisters of Mercy in Ballinasloe, “to be applied for the use and benefit of the community” was not a charitable bequest; and the Vice-Chancellor considered that, legally, no distinction could be drawn between a bequest for the “use and benefit of the community” of a Convent of Sisters of Mercy, and the bequest in the case before him, which was “for the use and benefit of the Convent.”

<sup>1</sup> 11 L. R. Ir. 260, footnote 3.

<sup>2</sup> 11 L. R. Ir. 296

<sup>3</sup> See I. E. RECORD, July, 1895, page 598.

<sup>4</sup> *Ibid.*, pages 605-612.

He, therefore, declared the bequest to be non-charitable, and consequently void. He said :—

“ The case of *Stewart v. Green* is the principal authority on these questions ; and it decided that a gift to a religious community (within which description a Convent comes), to be applied *for the use and benefit of the community*, is not a charitable gift, and that [if it is in the nature of a perpetuity] . . . it cannot take effect as a gift to the community, and, as such, is void.”<sup>1</sup>

This decision would seem to have had the effect of pushing forward to some extent the principle of restriction established by the decision in *Stewart v. Green*. The decision in *Stewart v. Green* established the principle that a bequest to a Convent, made expressly “ for the use and benefit of *the community*,” was not charitable. This decision in *Morrow v. McConville* brought bequests made “ for the use and benefit of *the Convent*,” within the same rule.

The Vice-Chancellor devoted a considerable portion of his judgment to showing that the bequest in this case was a perpetuity, although indeed there seemed to be no possibility of regarding it as anything else.

That it was a case of perpetuity was abundantly shown both by the nature of the property bequeathed, and by the provisions made by the testator for the carrying out of the bequest. These points were gone into by the Vice-Chancellor in his judgment, one by one, as follows :—

“ The testator . . . directs his executors to let his property . . . and to apply the profit-rents [to the purposes mentioned in the will].

“ This, in my opinion, indicates an intention that this property, which consisted of houses built on ground held by him for the residue of a term of 999 years, should be retained *in specie*.

“ The trust is treated as a continuing one, to be performed by his executors in the first instance, but with power to appoint successors . . . in the trusteeship, from time to time during the term of his lease, showing that he desired the trust to continue during all that period.

“ Then it is *the profit-rent* which is to be from time to time applied by the trustees, the head-rent, therefore, being first paid

<sup>1</sup> 11 L. R. Ir. 240.

by them. This again shows an intended perpetuity. The gift is of the profit-rent,—not a gift of the rents and profits,<sup>1</sup> which might have carried the entire interest.”<sup>2</sup>

Nothing, indeed, could well be more obvious than that a bequest so made was in the nature of a perpetuity, so that it could not possibly stand if it were not charitable.

The decision of the Vice-Chancellor, that the bequest was not charitable, from its being in the form “for the use and benefit of the Convent,” was not appealed against. That decision being now binding upon all Courts of First Instance<sup>3</sup> in Ireland, the necessity of avoiding the use of this phrase in bequests in favour of Convents is obvious. Even in a case in which it may for some special reason be desired to make the gift a non-charitable one,<sup>4</sup> the use of the phrase, “for the use and benefit of the Convent,” can hardly be considered advisable. For there always must be, to say the least of it, a possibility of the point being brought up for decision in the Court of Appeal, with the result that the view taken by the Vice-Chancellor may not be upheld, and that bequests made in this form—in the case of Convents associated for legally charitable works,<sup>5</sup>—may be held by the Appeal Court to be charitable bequests.

It should also be noted that the phrase “for the use and benefit of the Convent” was furthermore treated by the Vice-Chancellor as an indication that the bequest was a perpetuity. As to this point, he said :—

“Here the gift is to the use and benefit of the Convent . . .

“What is a Convent? It is . . . a community of ladies associated for the purposes of piety and religion. While it has none of the legal attributes of a corporation,<sup>6</sup> it certainly imports a continuing association . . . Though there is not a succession recognised by law, there is a succession in fact . . . It was just

<sup>1</sup> See I. E. RECORD, July, 1895, pages 608, 609.

<sup>2</sup> 11 L. R. Ir. 249.

<sup>3</sup> See I. E. RECORD, May, 1895, pages 418, 419.

<sup>4</sup> See I. E. RECORD, January, 1895, pages 123, 124; and July, 1895, page 598.

<sup>5</sup> See I. E. RECORD, July, 1895, page 613.

<sup>6</sup> See I. E. RECORD, June, 1895, page 502, footnote 2.

as much the Convent of St. Joseph's, Lurgan, the day it was founded, as it is now; . . . and it may be equally so in a century hence, when every present member of it is dead.<sup>1</sup>

As to all this, it is to be remembered that "Convent" was the word used in the bequest to the Carisbrook nuns, in *Cocks v. Manners*,<sup>2</sup> in reference to which Vice-Chancellor Wickens spoke of the legacy as a gift which would be placed in "the common chest" of the community,<sup>3</sup> where it would be free of all restriction as to investing it or expending it, so that it in no way contravened the rule against perpetuities.

Whether a distinction in this respect between a bequest "to" a Convent, as in *Cocks v. Manners*, and a bequest "for the use and benefit" of a Convent, as in this case of *Morrow v. M'Conville*, would be recognised if the point should come before the Court of Appeal, it might be difficult to say.

Possibly the latter form might be held to be in some way indicative of a continuing trust. But, however this may be, there is, as we have already seen, abundant reason for avoiding the form, "for the use and benefit," either of a "Convent" or of a "community," in bequests which it is desired to make good as charitable bequests, on the one hand, and to keep clear of conflict with the rule against perpetuities, on the other.

Two cases yet remain to be examined. Both were decided in favour of the validity of the bequests. As they are cases of considerable importance, and will furnish sufficient matter for a separate paper, it seems advisable to reserve them for the September number of the RECORD.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

<sup>1</sup> 11 L. R. Ir. 248.

<sup>2</sup> See I. E. RECORD, July, 1895, pages 616-618.

<sup>3</sup> *Ibid.*, page 617.

## THE COLLEGIATE CHURCH OF ST. NICHOLAS, GALWAY

LIKE most Galwaymen, John Lynch, Archdeacon of Tuam, was an enthusiastic admirer of the beauty of his native city. From his pen we have a picture of Galway when it was yet a city of marble, and before that decay set in which left it a city of interesting ruins. He dwells lovingly on its "noble squares," on the beauty of its streets, and the splendour of its public buildings, built for the most part of green marble. And he adds, enthusiastically, "Galway has ever appeared to me what Jerusalem was to Jeremias, a city of most perfect beauty." Such a picture is interesting, coming, as it does, from a man of great eminence, whose works, under the fictitious name of "Gratianus Lucius," have elicited the admiration of the learned even to our own time.

Without straining the illustration, he might have added that in the eyes of true Galwaymen, the Collegiate Church was to their city what the Temple was to Jerusalem. In him such a feeling would be very natural, for that imposing edifice was in a great measure built and endowed by his ancestors. For many years the Lynches enjoyed the distinction of being Chief Magistrates of the city; Lynch's Castle and Lynch's Folly, speak to us still of their munificence and enlightened though fruitless enterprise; and that unwritten statute, popularly known as "Lynch Law," preserves the memory of their rigid estimate of justice and honour. He tells us, indeed, that this church was amply endowed by its citizens. He might have added that the honour of adding to its endowments or to its beauty, was one which the foremost citizens were ambitious to secure for themselves; and that in this generous emulation the Lynches were most frequently successful.

"The Lynches spring from the Lacys," says "Gratianus Lucius," "and were the principal founders of the most remarkable edifices in Galway."<sup>1</sup> Though not founders of

*Vita Kerorani*, p. 27.



the Church of St. Nicholas, its most important additions were constructed by them.

Mr. Hardiman, with feelings of, perhaps, pardonable pride, states, that "for extent and architectural beauty" this church is inferior to very few ecclesiastical foundations in the kingdom, and stands a lasting testimonial to the piety, wealth, and public spirit of the founders."<sup>1</sup> Even those who cannot accept Mr. Hardiman's opinion as to the beauty of this interesting structure, will easily excuse the enthusiasm with which he describes it. In its present form it is spacious. Its dimensions, as given by Hardiman, are one hundred and fifty-two feet in length by one hundred and twenty-six feet in width. The same writer assures us that it affords accommodation to five thousand persons. He wrote, however, without regard to the character of the accommodation provided for worshippers in the churches of our day. The church is not only spacious, but is also striking in outline and structure. It is, however, mainly striking in its architectural incongruities. Its arches are Gothic; its windows represent various developments of Gothic, from early English to perpendicular Gothic; yet the vaulted roof of nave and aisles are semicircular or Norman.

Well-known canons of proportion, which regulate the relations of height and width between nave and aisles, and are main factors in creating the solemnity and grandeur which impress the visitor in such churches as Westminster or York, and, on this side of the Channel, in Christ Church, Dublin, are utterly ignored in the Collegiate Church, Galway. We do not find a nave resting its roof on graceful columns over triforium and clerestory, and far above the aisles on either side. Indeed, the vault of the nave rises only forty-two feet ten inches from the floor, and possesses neither triforium nor clerestory; and this is also the exact height of the adjoining aisles. And here also the aisles are quite as wide as the nave—nay, the southern aisle is even wider. For such a church, therefore, the flying buttresses of Christ Church or

<sup>1</sup> *Hist. Gal.*, p. 233.

Cologne are not alone unnecessary, but impossible. Externally, therefore, as well as internally, it is shorn of much of the beauty and grace common to Gothic churches.

Standing before the western entrance, we are confronted with three distinct roofs, showing three gables of seemingly the same height and dimensions. On each there is a large window, though that in the nave, and over the doorway, usually the largest in other churches, is the smallest of the three; but a central tower, from which springs a tolerably good spire, does much to relieve the outline of the church from these defects. But in this tower and spire, erected in 1685, "in a style of architecture in no way corresponding with the rest of the building," we have another of those architectural incongruities which must strike the observer in the Collegiate Church of Galway; and yet, with this disregard for architectural harmony, the spacious dimensions of the building, its traceried windows, its quaint central tower and spire, and its beautiful site, forcibly arrest the attention of the spectator.

The church, as originally built, was a cruciform building, without aisles. The date of its erection was 1320. It was dedicated to St. Nicholas of Myra, the patron of mariners, under whose advocacy a rising commercial city, such as Galway, not unnaturally wished to place itself. The site selected was long consecrated to religion. A church had existed there for a considerable period, subject to the Cistercian Abbey of Knockmoy. Hardiman, the *Monasticon*, and other authorities are silent as to the origin of this connection between Knockmoy and the Parochial Church of Dangallive."<sup>1</sup> We read in the *Ogygia* of an important grant made to the Abbot of Knockmoy by its founder, Cathal Croredearg. It would seem that the districts thus conferred on Knockmoy were the same as that in which Galway, Clare, and Roscam are situated. It was on this site the new and more commodious church was erected. Close to this new church stood the Church of St. John of Jerusalem, which belonged to the Knights Templars. As it

<sup>1</sup> Vol. i., p. 46.

was suppressed in 1324, the entire structure was removed, in order that the site of the new church should be more spacious and commodious.

The site was a central one, especially at the period of which I write, when the river was the western boundary of the city. It should also be regarded as a particularly beautiful one, if the not-well-authenticated testimony of a foreigner may be accepted, according to whom it commanded a full view of the river, of the country beyond, and of the open sea.

For a period of over one hundred and fifty years we have no record of changes, either undertaken or carried out, in connection with the Church of St. Nicholas of Myra. The additions to the church were undertaken and accomplished only when the citizens rejoiced over the newly acquired independence of the Collegiate Church, or, perhaps, over its future dependence on themselves, as represented by their corporate body.

The southern aisle was the first important addition to the original church.<sup>1</sup> It was built by Stephen Lynch FitzDominick, whose death is recorded A.D. 1535. Such portions of the work as were not complete at the time of his death were finished by his son, Nicholas Lynch, who also extended the southern transept about twenty-six feet, and erected the tower at the south-western angle of the transept. The porch, which gives admission to the southern aisle, is interesting. It consists of an upper apartment, intended for the sexton, and of a lower apartment, especially intended for the accommodation of the poor. This lower apartment, which is the porch proper, is well proportioned. The mouldings of its vaulted roof combine grace and solidity.<sup>2</sup> This porch, together with the glass of the eastern window of the church, were the gifts of James Lynch FitzStephen, Mayor of Galway, in 1493, and memorable in its history for the execution of his own son, in the vindication of justice and of law. He devoted to works of religion and charity his wealth and declining years, over which

<sup>1</sup> *Vita Kerorani*, p. 27.

<sup>2</sup> *Hard., Gal.*, p. 251.

his fame and bereavement cast a sombre shadow. At the time when those improvements were undertaken, the Church of St. Nicholas had ceased to be an ordinary parochial church. It had been constituted a collegiate church, with exempt jurisdiction, chiefly through the influence of the same family, who were so intimately connected with its extension.

Dominick Lynch, surnamed the "Black" (*Dubh*), obtained from Richard III., in the year 1484, one of the most important charters ever conferred on Galway. In the same year his son, Stephen Lynch, obtained from Pope Innocent VIII. a bull constituting the Church of St. Nicholas a collegiate church of "exempt jurisdiction," having the parish of Claregalway perpetually annexed. This bull was obtained in February, 1484. It sets forth that the application, and the motives of the concession, had been previously submitted to Donatus O'Murray, Archbishop of Tuam, and had received from him serious consideration. We cannot doubt that he had entirely approved of the project submitted to his Holiness. It is even alleged, on strong authority, that this approval was procured in consideration of "an ample equivalent"<sup>1</sup> bestowed on the see of Tuam by the citizens of Galway. Indeed, the commentaries on the manner in which this document was obtained are not favourable; but the validity of the concessions thus obtained was never questioned. The formal institution of the Collegiate Church was published in September of the same year by the Archbishop; and thus, says De Burgo, a new form of ecclesiastical government, which had no counterpart in Ireland, sprang into existence. It conferred on the corporate body of the town, which consisted of mayor, bailiffs, and other members of the Corporation "*pares*," the power to elect, under certain conditions, the clergy, who were subsequently to be known as the Vicars and Warden of the Collegiate Church of St. Nicholas. It gave to the Collegiate body thus constituted complete exemption from the jurisdiction of the Archbishop, except as regarded the right of holding a triennial visitation.

<sup>1</sup> Hard., *Gal.*, p. 234.

The Vicars were to receive life institution from the city corporate body. The Warden, who was to be yearly nominated to that office, was to be elected from amongst the Vicars by the corporate body, and was to be presented to the Vicars for canonical institution. The Warden, when thus instituted, exercised, during his year of office, quasi-episcopal jurisdiction within the territory annexed to the Collegiate Church. Thus the power of selecting their own clergy was conferred on the people of Galway; and, as the Collegiate Church was exempted from ordinary ecclesiastical control, it may be added that the privilege of electing their warden annually placed the ecclesiastical administration chiefly under the control of the citizens.

The justification advanced for this remarkable concession was based primarily on the hostile feelings with which the Irish were regarded by the Galway colonists, who represented themselves as English. They held aloof from the Irish as much as possible—nay, they assumed towards them an attitude of actual hostility.

In this they were encouraged by the Government, who conferred upon them the necessary authority of waging war against the Irish. Hence, when appealing for the peculiar form of ecclesiastical autonomy known as the "Wardenship," they represented the Irish amongst whom they lived, as "a mountainous and wild population." They painted them as actually little better than a race of savages "brought up in mountains, unpolished and illiterate, by whom they were often disturbed in the exercise of their religion." They could not therefore receive the sacraments from Irish priests "according to English decency, rite, and custom." And while they represented themselves as a "modest and mannerly" people, they said they were liable to be robbed and murdered by the Irish. They, therefore, objected to the spiritual ministrations of the Irish clergy; and claimed also a very large share of exemption from episcopal authority. Such is an outline of the plea of justification advanced for this appeal made in the name of the people of Galway, and recommended by the Archbishop for the

establishment of this Collegiate Church of exempt jurisdiction, which had just received Papal sanction.

The Lynches, through whom all this had been chiefly accomplished, were not the only Galway people of distinction who manifested an active interest in their newly-established Collegiate Church.<sup>1</sup> The Frenches were in a position to share with them the honour of continuing the important additions to the Church. Accordingly, we find that the northern aisle was added by that family in a style entirely in harmony with that already completed. This great work was undertaken by John French, who was Mayor of Galway in 1538.

The height and width of French's aisle is exactly that of the nave. It is, however, lighted by four windows, the Lynches' aisle is lighted only by three. We are told by Hardiman<sup>2</sup> that in the year 1578 "several useful alterations were made in the church," and that "the western windows were enlarged." This, probably, was the period when Browne's aisle was added. Though popularly known as an aisle, it is but a small structure erected on the north side of the chancel, and connected with the transept by a low archway. It was probably erected as a mortuary chapel, and adds nothing to the beauty of the church. In connection with this, but nearer the chancel gable, there is a similar structure now used as a "Vestry," which is known as "Eyres' aisle." But Mr. Hardiman, when referring to these additions, states that they have received those names "without any apparent reason."<sup>3</sup>

The tower, which springs from the intersection of nave and aisles, rests in four massive piers, remarkable for their simple severity and utter absence of ornament. It is vaulted at the same level as the nave. It was erected at the close of the sixteenth century (1590) by James Lynch FitzAmbrose,<sup>4</sup> and furnished on the occasion with a peal of bells, but at the expense of the "inhabitants and Corporation." This tower,

<sup>1</sup> Hard., *Gal.*, pp. 239-251.

<sup>2</sup> *Ibid.*, p. 243.

<sup>3</sup> *Ibid.*, p. 251.

<sup>4</sup> *Ibid.*, p. 248.

with its unique steeple, are entirely out of harmony with the general architectural features of the church.

Of the interior as originally fitted up for Catholic worship, we can have at present but an imperfect idea. Some memorials of that period and of those purposes there are; but those few are the shattered wrecks that speak to us still of excellent finish and delicacy of design.'

We are assured by Mr. Hardiman that the view from the western entrance to the great eastern window, filled with richly-stained glass, was calculated to inspire "the mind with mingled sensations of awe and veneration." Far away between the long line of columns might be seen the high altar of St. Nicholas close to the great chancel window, and aglow with the richness of its soft colours. In addition to this there were thirteen other altars in their respective chapels in the pre-Reformation period. They extended on either side of the entrance to the choir or transepts, with, perhaps, one exception—the chapel of the Blessed Sacrament. This, Mr. Hardiman tells us, was placed in the "north part of the church."<sup>1</sup> A closed archway on the northern aisle may have been the entrance to this chapel, of which there are still some remains.

Of the other chapels, the most important, and certainly the largest, was that of the Blessed Virgin, which Mr. Hardiman calls the "new and great chapel of Blessed Mary, Mother of God," in the south wing of the church. It occupied the extension of the southern aisle effected as we have seen by the son of Stephen Lynch FitzDominick. There was in that transept another chapel to our Lady under the title of St. Mary Major; and judging from Mr. Hardiman's note,<sup>2</sup> it seems probable that it adjoined the new Lady chapel just referred to. Judging from the same authority, the chapels of Christ and of the Guardian Angels stood next on that side of the choir.

We do not find it so easy to follow our guide to the chapels in the north transept. The altar of St. John the Baptist<sup>3</sup> stood in immediate connection with the "column

<sup>1</sup> *Hard., Gal.*, p. 246.

<sup>2</sup> *Ibid.*, p. 246.

<sup>3</sup> *Ibid.*

of the pulpit," and immediately opposite was situated the "gilt chapel of St. Catherine." The "north column" is pointed out as the place on which stood the altar of St. Bridget, while that of St. Martin was situated near the "north gate." The position of the altar of St. Anne and the Chapel of St. Patrick are more clearly indicated. St. Anne's Chapel was "in the north wing of the church," and that of St. Patrick in his chapel "originally dedicated to him." There were also chapels of the Holy Trinity and of St. James the Apostle. The position of the former is rather obscurely indicated by the following passage:—"At the right of the entrance to the choir under the organ."

The altar of St. James is said to have stood "at the south column of the church." Whatever its position may have been, it must have been amongst the earliest erected in the church. We find it referred to in the will of Dominick Lynch, dated 12th July, 1508:—"I order the said Stephen (his son) to build an altar in honour of St. James the Apostle, near the next column of the Chapel of the Blessed Mary aforesaid." It was endowed by its founder, as was also the Lady Chapel adjoining. An ample endowment was made for the maintenance of the priests, who should celebrate Mass daily "in the Chapel of the Blessed Virgin and in the aforesaid altar of St. James," which is set forth in the will already quoted.

We also find that Peter Lynch, by his will, dated 4th February, 1494, endowed the Chapel of St. Catharine, of which he was founder:—"He devised his principal stone tenement in Galway, and ten acres of arable land in Athenry, for ever, for the perpetual sustenance of one good and proper priest, who should daily celebrate Mass therein for the souls of himself, Ellen Blake, his wife; their ancestors, friends, and all the faithful departed."

The spirit which prompted these endowments manifested the prevailing desire of making ample provision for the maintenance of the Collegiate clergy. By the Bull of Innocent VIII. they were entitled to appropriate for their

<sup>1</sup> Hard., *Gal.*, p. 235.

<sup>2</sup> Hard., *Gal.*, p. 237.



support not only "the rents and incomes" of the parish of St. Nicholas, but also the "half-quarter which the incumbents of the said Church of St. Nicholas had been for a long time accustomed to have from our beloved children, the Abbot and Convent of the Monastery of Knockmoy, of the Cistercian Order."

The right of the Collegiate body to retain all donations hitherto made, or to be made subsequently, to the Church of St. Nicholas, was affirmed by the Papal Bull. And, furthermore, the parish of St. James of Balenclare, now known as Clare Galway, was conferred, with the consent of the incumbent, on the Vicars and Warden. This was the first rural parish annexed to the Collegiate Church; but the jurisdiction of the Warden was soon to be extended, by similar annexations, practically over the entire diocese of Annaghdown, then, and for some time previously, perpetually annexed to Tuam.

It is noteworthy that with the acquisition of authority over those districts, the complaints hitherto made by the Galway families against their Irish neighbours ceased. The danger of plunder and assassination at their hands seems to have ceased, and Irish "rudeness" seems to have become far less intolerable. To exact the necessary revenues for the maintenance of the Collegiate Church, even from unpolished and illiterate Irish tribes, was found desirable, and fortunately attended with no serious dangers.

It is clear from the foregoing that the influential family which had secured for Galway the civil privileges and ecclesiastical immunities referred to, made the maintenance of the Wardenship, which they had been so instrumental in founding, the object of their special care. A suitable residence for the Warden and Vicars was felt to be most desirable, if not necessary. Even this did not escape the vigilant charity of Dominick (*Dubh*) Lynch, the chief benefactor of the Collegiate institute. We are informed that he was the founder of a suitable residence for the Collegiate clergy. Mr. Hardiman refers to it as a "spacious edifice."<sup>1</sup>

<sup>1</sup> *Hist. Gal.*, p. 253.

Gratianus Lucius assures us that, in his judgment, the whole structure "<sup>1</sup> was completed by his generosity; and he adds: "His armorial bearings, almost effaced by age, may still be seen above the transome of the gate." This interesting structure, which dates from the close of the fifteenth century, was in existence in the beginning of the nineteenth century. In Mr. Hardiman's time it was divided into "several tenements, occupied by various families, who held under the established Warden. It stood within fifty feet of the western entrance, and communicated with the choir of the church by an underground passage."<sup>2</sup> But it is there no longer. A modern gateway occupies the site of this ancient and interesting residence, known as the College House.

J. FAHEY, D.D., V.G.

## THE POPE'S LETTER TO THE ENGLISH PEOPLE AND DEAN FARRAR

THE latest effusion of the new Protestant Dean of Canterbury, better known as the author of *Eternal Hope*, is a precious production. It is a proud thing for Protestantism, whose motto was once expressed by its founder and father in these words: "Pecca fortiter, crede fortius," to have within its fold a man whose principles are so delightfully flexible. The man who one day swears to observe the Thirty-nine Articles, which purport to teach some fixed form of belief, and who next openly preaches scepticism, speaks slightly of the mystery of the Incarnation, which may fitly be called the "central mystery of revealed religion;" who sneers at devout commemoration of the great mystery of redemption, and calls devotion to it morbid fanaticism;<sup>3</sup> who panders to passion by holding

<sup>1</sup> *Vita Kerovani*, p. 27.

<sup>2</sup> *Hard., Gal.*, p. 253.

<sup>3</sup> *Farrar's Morbid Observance of Good Friday*.

out eternal hope to the wicked ; who caters for infidelity, and is brother-in-arms with freethinkers—such a beneficed clergyman is a choice, but, unhappily, not rare specimen of a certain religious creed.

If promotion is a test of merit, the present Premier<sup>1</sup> is to be congratulated on his wisdom and high sense of justice in electing so worthy a man to so eminent a position. But, whatever may be the mental equipment of the new Dean, he certainly is not embarrassed by modesty, or hemmed in by scruples ; whatever may be the inconsistency of his religious convictions, if he can lay claim to such blessedness, or however he may manage to frame his creed to suit all comers, undoubtedly he is consistent in his narrow bigotry, and in his vast, virulent hatred of the Catholic Church. It is a pity that a man of such eminence, and with some gifts of mind, would not have the courage to emancipate himself from the despotism of what Cardinal Newman has happily called “ the Protestant tradition, by which the Establishment is the keeper-in-ordinary of those traditional types and blocks from which Popery is to be printed off”—the traditional view of every Catholic doctrine, the traditional account of every ecclesiastical event, the traditional lives of the popes, bishops, priests, abbots and monks, saints and confessors ; the traditional fictions, sophisms, calumnies, and slanders with which Catholics are to be assailed.

I regret to be obliged to write that Dean Farrar has not the manly independence to weigh historical evidence with impartiality, and seems, from his present frame of mind, utterly incapable to view Catholic doctrine, except with a jaundiced eye and deep Protestant prejudice. In his estimation, anything is good enough, and nothing is bad enough, for the Catholic Church. His article to this month's (June) *Contemporary Review*, on the Pope's letter to the English people, is a travesty of history, and touches the climax of audacity. It opens with a passing tribute to the good intentions of the Holy Father, and the charity which breathes through the Encyclical. But here the gracious

<sup>1</sup> Written when Lord Rosebery was in office.

recognition of the doughty Dean stops short. The whole article is a tirade against the Pope and the Papacy, and is made with a studied insolence and rudeness which show that the charity and meekness of the Father of the Faithful are lost on the new Dean of Canterbury. He declaims against "our insolence;" yet the Pope's meekness is paid back by insult. Verily, it is not easy to time this good man. One would think that a sense of shame alone would prevent Dean Farrar from accusing of gross historic ignorance the great Pontiff, whom the most competent critics, of many nationalities and various creeds, some of whom we mentioned in our last essay,<sup>1</sup> have unanimously pronounced the most learned man of his time. The Dean must set no small store on the credulity of his readers, if he fancies they will swallow such stuff. We think, however, the day is gone by when the rusty lamp of English bigotry should exercise over sane men the same despotic influence as did the lamp of Aladdin over its slaves. But this thing suits his book.

Of course, the professors of all creeds, outside the pale of pure Protestantism, are, in the Dean's estimation, in the deep shades of historic darkness, and the fettered enthrallment of error. At the outset he finds fault with modern Catholic controversialists, as they do not speak with "bated breath and whispering humbleness" in defence of the most sacred and solemn truths of Christianity; and he roundly rates them for their gross violation of the golden precept of charity, of which he himself has set us, in the current *Contemporary*, so high an example. Evidently the barbed arrows of Catholic controversialists have sunk deep into his flesh, and he is smarting from the wounds he has received in the arena of intellectual conflict. This valiant knight has put on his war-paint, and being anxious to give an account of the valour that is in him, and some return, perhaps, for his recent high preferment, he has thought it his duty to rake up all the old rubbish he could find, and present it to the morbid sentimentality of some of his readers, in that fervid and declamatory style of which he is such a master. Of the Dean's distorted presentment of

<sup>1</sup> I. E. RECORD, June, 1895.

early Christian history, in which he professes to be a specialist, we shall have to write later on.

When the Dean says that insolence of tone and temper will not advance the Catholic cause, we beg to assure him, admitting the fact, that we are in perfect accord with the sentiment. Catholic controversialists may, however, well retort, "*Medice cura teipsum*"—"Physician, heal thyself." It is astounding how short-sighted is man, and how quickly men forget to practise what they preach; and this is the more astounding when we take into consideration the mental calibre of men like the new Dean of Canterbury. But we must never forget, and we are daily witnesses of it, in even some of the most gifted men of our time, how blinding is passion and prejudice. The Dean furnishes a striking example of how easily one may "see a mote in another man's eye without beholding the beam in his own;" for his latest effusion is not merely "a fable based upon fiction," but it is something worse—it is a deluge of mis-statements and illogical inferences, of bitter, wanton criticism of our religion and ourselves. The Dean's remarks have not even the merit of originality. They lack that novelty at which he is usually aping, whether in the pulpit, the platform, or the Press, and by which he desires to win a cheap popularity among Evangelicals and freethinkers. His *Eternal Hope*, if unsound in doctrine, is at least startling in tone, and is as calculated to amuse as a toyshop or an itinerant pantomime. But in his latest evolution even this quality is sadly wanting. He merely refurbishes up all the old, rusty weapons of the ancient adversaries of the Catholic Church; he reiterates antiquated falsehoods about St. Peter; rakes up the old controversy as to the meaning of the text, "Upon this rock I will build My Church;" repeats the oft-refuted calumny that Catholic priests keep the Bible from the laity; and actually goes so far in his shameless audacity as to say that "many a martyr has been imprisoned, tortured, and burnt by the Church of Rome for possessing the Bible, or part of it, and that persecution on this head goes on even to our own days."<sup>1</sup> For these

<sup>1</sup> Page 792.

sweeping accusations the devout Dean gives no proof, except the assertions of a rabid bigot; and gives no reference, except one which grossly slanders the illustrious dead (Cardinal Wiseman).

Such is a brief outline of the cardinal points of Dean Farrar's bill of indictment against the Catholic Church. But after a smack of the usual claptrap about the Spanish Armada, and the old stock-in-trade about Mary Tudor and King James, who are to be pitied, God help them, before the thundering legions of the new knight of Protestantism, the leading note in this man's contribution—that which he places in the forefront of his battery, that which, to his satisfaction, and, of course, to his delight, crushes and confounds Catholicity, and proves Protestantism to be of God, is the calm assumption that the prosperity of Protestant England is a sign of God's blessing; and, of course, the inference is, that Protestantism, which has the honour of having the Dean in its distinguished ranks, is true or divine, and Catholicity false. We shall give the Dean's own words:—"Every plant which My Heavenly Father hath not planted shall be rooted out." "Have we, then, no right," triumphantly asks the Dean, "to appeal to the boundless prosperity of Protestant England as a sign of God's blessing? 'The English sea power (says Froude) was the legitimate child of the Reformation. It grew directly out of the now despised Protestantism, and out of utter loathing for the Holy Office of the Inquisition and its execrable deeds.'"

Now, this assertion of Dean Farrar involves a twofold assumption—the one an assumption of fact, that England's prosperity is due to her Protestantism; the other an assumption of doctrine, that "England's prosperity is a sign of God's blessing." Both of these assumptions I venture to challenge. I shall take them in order, and see what they are worth. The Dean does not like bald statements—statements unfortified by reason, and unsupported by evidence. Neither do we. Yet for most of his ponderous indictments this man does not offer a shred of argument; and when he gives a reference, it is either unfounded in fact or taken from a

tainted source, and for the most part from the arsenal of our sworn enemies. We will not imitate him. We will not conceal our authorities; we will offer as a witness an unsuspected authority; and we may venture to hope it will raise him in the estimation of the devout Dean when we assure him that our authority is a Scotchman and a Protestant—whether High or Low, we are not sufficiently informed to tell. Like the Dean, he manifests his dislike of the Catholic Church throughout his work. Unlike the Dean, he does not deal in declamation or mere assertion, but in sober facts and stringent arguments. Our authority is Dr. Laing, an eminent antiquary, and one of the greatest benefactors to the literature of Scotland.<sup>1</sup> It will not, we think, detract from his authority that he is candid, nor from his honour that he has had the independence to break the trammels of sect, and fling to the winds the stale misrepresentations of centuries. We would humbly invite the Dean, like the Doctor, to break his bonds, and be free. We readily admit that England is a great nation, and enjoys unbounded prosperity. In manufacturing industry and skill, and, above all, in commercial activity, she occupies a foremost place, not only among European, but all civilized nations. Her commerce covers the sea; she trades with the whole world: she has her empires in every quarter of the globe; yet no one but a blind partizan will deny that, in our time, England has enough to do to keep her own in industry and skill, and that in commerce, in which she so long stood proudly pre-eminent, she has many rivals in the Old World and in the New. But is this successful commerce and manufacturing enterprise, is this extent of empire and national wealth, the result of her Protestantism? This is Dean Farrar's assumption. If such an assumption be founded on fact, if it be worth the paper on which it is writ, then all Protestant nations should be prosperous, wealthy, and happy. But are they? Can they boast of any superiority, in any of these respects, over their Catholic neighbours? Let us see. Protestant Holland and Catholic

<sup>1</sup> *Notes of a Traveller on the Social and Political State of France, Prussia, Switzerland, Italy, and other Parts of Europe during the Present Century.*

Belgium are immediately adjoining each other, and formed but one kingdom till the tyranny and intolerance of the Dutch Government drove the Belgians to revolt, in 1830.

Now what is the relative condition of these two peoples? Dr. Laing tells us, that in industry and enterprise, in enlightenment, in political and religious liberty, the Catholic Belgians are immeasurably ahead of the Protestant Dutch, and are fully equal to the English in manufactures. Writing of Holland, Dr. Laing says: "In the deserted streets of Delft, and Leyden, and Haarlem the grass is growing through the seams of the brick pavement, the echo of wooden shoes clattering through empty saloons tells of past magnificence, of actual indigence;"<sup>1</sup> whilst all Belgium, as the same authority tells, is cultivated as a garden. Every city and town in it is busy with the hum of industry. In proportion to her size, she is the most populous as well the most prosperous country in Europe. If the tendency of "Popery" is, as the Dean tells us, to retard progress, and enslave the human intelligence, why is Belgium what she is? Why is it that her prosperity was so insignificant while she was linked to Protestant Holland, and why so great since she has become an independent and Catholic Nation? Why is Protestant Holland so degraded and debased? Let the Dean answer. In Protestant Prussia Catholic and Protestant populations stand side by side each other, and what is their comparative condition? Dr. Laing not only asserts, but proves, that the Catholic population of Prussia is more industrious, enterprising, wealthy, enlightened, and law-abiding than their Protestant neighbours.<sup>2</sup>

What now becomes of the Dean's statistics, for which he takes good care to conceal his authorities? But of these later on. Is it not notorious that the lead in the restoration of German art has been taken by Catholic Bavaria, and that Munich is a city, in its own way, unrivalled? Protestants exult over us by contrasting the dirt and decay of the Catholic cantons of Switzerland with the activity and cleanliness of the Protestant cantons. But they forget to

<sup>1</sup> Page 40.

<sup>2</sup> Page 155.



tell the cause of the contrast. They forget to tell that Swiss republicanism is a tyranny of the most hateful kind, which harrasses Catholicity in every shape and form, and by every means encourages and patronizes Protestantism. In the mountain districts of Catholic Austria, where there is "a free field and no favour," all the industry and progress of Protestant Switzerland are to be found in a much greater degree among the Catholic population of the Tyrol. And with industry and progress, and rare enlightenment, are to be found the blessed virtues of religion, which are not known among the Protestant Swiss, who are described by Dr. Laing as a nation of money-getting rogues.

Is it possible for any well-informed impartial man to read the present or past history of Norway, Sweden, and Denmark, and not admit that the popular theory of Protestant prosperity and purity is the merest slang and pretence? We accept the fact that, as European powers and as leaders in intellectual thought (though we think their decadence in both capacities is entirely overstated), Spain and Italy are not what they were. But we trace their decline to the operation of natural causes over which the Church of Christ has no control. Her mission is to teach, not to make prosperous. Spain, be it never forgotten, became mistress of European nations, which position she held for so long a period, while she was Catholic, and this Catholic nation has fallen through her American conquests, which deluged her with gold, and paralyzed the productive powers of the nation. We would remind Dean Farrar, that, however he may revel with delight at the possession of great riches, history teaches that an overplus of gold is as dangerous for the state as the Church. It leads to luxury, and luxury to moral and material decay.

The pre-reformation Church of England, the Dean's own country, supplies a striking example of this truth, and a sad sequel to "boundless prosperity."<sup>1</sup> This deluge of gold, and the enervating influence of tropical suns,

<sup>1</sup> I. E. RECORD, June, 1895.

are the two causes why Spain, and the latter is the chief cause why Italy, have both fallen in the scale of European nations. England and France are separated from each other only by a narrow neck of sea. Both nations have the same ancestry ; and what is the comparative condition of these two peoples ? Dr. Laing proves, that not only in physical comforts, but also in matters of a higher moment, in honesty and honour, in suavity of manner, and politeness of intercourse, the bulk of the French people are much ahead of the English.

What now becomes of the Protestant cry that the prosperity of England is the result of her Protestantism ? On the contrary, history teaches that since that unhappy day when the immoral Henry VIII. foisted that religion on that country, England's Protestantism has been a distinct menace to her national greatness. Had Protestantism not engendered that nest of sects, would England have had to suffer the disasters of a revolution for so many years, a revolution in which the sectaries fought each other to the death ? Had it not been for Protestantism, Great Britain would not have passed two-thirds of the sixteenth century in the most atrocious religious persecutions, and under the most brutal despotism ; she would not have been drowned during the greater part of the seventeenth century in torrents of blood shed by sectarian fanaticism. Had it not been for her Protestantism, would England have treated Ireland with that cruelty which is unparalleled in the annals of nations, and which left a sister island at her door ever ready for revolt ? Would not the two nations have found means of coming to an amicable understanding, if, during at least two centuries, religious discords had not separated them by an ocean of blood. During the present century a more friendly feeling, and a better understanding exists between the two countries in consequence of the relaxation of " that infamous penal code ;" and, by the full concession of our long-deferred rights, that better understanding will soon ripen into mutual friendship.

History then, I repeat, teaches that England's Protestantism has been, and is, where it is used for persecuting purposes, so far from being a help, a distinct menace to her national

greatness. This the learned Dean unwittingly acknowledges, whilst he unconsciously convicts himself. Writing of the stupendous advance made by England in the reign of Queen Victoria, he says: "We have the authority of our greatest living financier for the statement that the wealth of England has increased far more since the beginning of this century than it had done during all the centuries since Julius Cæsar." This is a most noteworthy fact. Since the time of Catholic Emancipation, since England became more Catholic, and less Protestant; since the barriers separating race from race, and creed from creed, were removed, she has become more prosperous, because her interests have become more unified. There being less danger from within, she has been better enabled to extend her empire, and to gather up her treasures from without. If this is not so, why did not England assert her supremacy, and acquire this great prosperity, for the two hundred years immediately succeeding the so-called Reformation? Is it not a well-known fact that the Catholic kingdoms of Spain and Portugal were far in advance of England in commercial activity and maritime enterprise during the sixteenth and seventeenth centuries, and that during that period, and later still, Catholic France was able to contend with her, and often with brilliant success, for maritime pre-eminence?

It is then as clear as the light of day, to any man whose mind is open to conviction, that England does not owe her present supremacy and prosperity to the influence of the Protestant religion, but to circumstances totally different. The secrets of her success, as well as of all other nations, are to be sought and found in natural causes. What are these in the case of England? Her insular position, the natural activity of her people, and their all-absorbing love of wealth; the colonial policy and grasping ambition of her Government, and the absence of all persecuting policy—these are some, if not most, of the causes which have made England, in the present century, mistress of the seas and arbitress of commerce; these are the causes—not the profession of Protestantism—which claim for her proud pre-eminence in national wealth and extent of empire.

So much for the first unfounded assumption of Dean Farrar.

We shall now briefly see what the second is worth, namely, that the "prosperity of Protestant England is a sign of God's blessing;" in other words, that riches and religion are commensurate. We, Catholics, have always held—perhaps in our benightedness—and hold still, notwithstanding the superior learning of the new Dean of Canterbury, that the marks of the true Church are unity, sanctity, universality, and apostolicity. But this learned Dean has discovered, doubtless, on his recent promotion to his present "fat" living, and teaches, that, whatever we may think of these marks or signs, of which, by the way, with one solitary exception, he is studiously silent, the one great distinguishing mark of the Church of Christ—that which absorbs and does duty for all others—is worldly prosperity.

As the Dean is so well versed in Sacred Scripture—and, indeed, for that of it he is so high an authority on all subjects under the sun—may I venture to ask him to point out where it is stated that Christ ever assigned worldly wealth as a distinctive mark of His religion, or that it should be best calculated to promote human comfort, and insure temporal prosperity, to nations as well as individuals. If so, why did He not come in the pomp of a great king, or assume, at least, the garb of a great philosopher, to renovate society by political economy, or to teach mankind some, at least, of those inventions which, since His time, have startled the world, and have so much added to the material comforts of the human family? We do not read that He did anything of the kind, or that even He alluded, either directly or indirectly, in His discourses, to any of those things. We read, on the contrary, that, "though He was rich, yet for our sakes He became poor;" to teach us, as St. Thomas Aquinas says, that "we, too, after His example, ought to love and embrace poverty." With the words, "Blessed are the poor in spirit," He began the Sermon on the Mount; and He made it one of the distinctive signs of His coming, that to the poor the Gospel was being preached. "Go and relate to John what you have heard and seen. The blind

see, the lame walk, the dead rise again, the poor have the Gospel preached unto them." This argues that the hopes of the Redeemer for His religion lay rather among the poor and lowly than the rich and mighty. There must be, therefore, something in the possession of riches and station which lessens our fitness for God's service, or, at least, renders our salvation more difficult, and consequently more precarious.

And does not the whole tenor of the Gospel teach the same thing? Though our Lord did not reject the rich—at least those who were ready to renounce in spirit the goods of this world—yet the poor, the miserable, the diseased, and the forsaken were his favourites; while those who abounded in riches and revelled in luxury were the objects of His aversion. Not till he had distributed one-half of his possessions to the poor, and from the remainder restored fourfold to all whom he had injured, did the wealthy Zacheus hear from the lips of Eternal Truth the consoling words, "This day is salvation come into this house." When the young man mentioned in the Gospel, who preferred the comforts of earth to the treasures of heaven, gave what Dante calls the "great refusal," our Lord thundered forth the terrible sentence, "How hardly shall they that have riches enter into the kingdom of God!" No doubt, in the next sentence, He softens the sadness and sternness of His words by explaining that He speaks of those who trust in riches; but immediately after does He not declare that the salvation of the rich is so difficult, that not ordinary, but extraordinary graces—the omnipotence of God alone—can accomplish it. "With men this is impossible, but with God all things are possible."

And do not experience and the Word of God teach that it is extremely difficult to have riches, and not to trust in them? Writing to his favourite disciple, Timothy, St. Paul instructs him that "piety with sufficiency is great gain, because they who would become rich fall into temptation and into the snare of the devil." And does not the Son of God assure us, too, that His word, falling among riches, is only as the seed cast upon thorny ground? "And the care of this world, and the deceitfulness of riches, choke up the

word, and it becometh fruitless." This Dean Farrar himself at one time held, and he even quotes the pagan Lucian for that opinion: "But even such a mean and miserable scoffer as Lucian could see that there is always danger lest those who have riches should trust in them."<sup>1</sup>

I deny, then, what Dean Farrar at present contends for—that prosperity alone is a sign of God's blessing. If so, why does God often permit wicked men to accumulate wealth and roll in luxury, while the virtuous are often poor, miserable, and on the verge of starvation? Why are Jews, who are branded by heaven as outcasts, generally wealthy, and Christians often poor and destitute? Is it the Dean's contention—it is certainly his conclusion—that it is because the wicked are more the favourites of heaven than the good? or is it not rather for a precisely contrary reason; that, according to the views of God, who takes in time with eternity, riches are very often a curse, and poverty a blessing—that He rewards the one in time, whilst He will reward the other for all eternity?

I shall call one other witness against the learned Dean. He is from his own camp. His contemporaries called him the Shakespeare of English divines. The Right Rev. Jeremy Taylor (Protestant Bishop of Down and Connor), explaining the difference between the Old Law and the New, says:—"For, though the Old Law was established in the promises of temporal prosperity, yet the Gospel is founded in temporal adversity; it is directly a covenant of sufferings and sorrows, for now the time is come that judgment must begin at the house of God." "This text"—listen to this, Dean Farrar—"is a direct antinomy to the common persuasions of tyrannous, carnal, and vicious men, who reckon nothing good but what is prosperous; and now every good man must look for persecution, and every good cause must expect to thrive by the sufferings and patience of holy persons. And as men do well and suffer evil, so they are dear to God; and whom He loves most, He afflicts most; and does this with a design of the greatest mercy in the world."<sup>2</sup>

<sup>1</sup> Farrar's *Life of Christ*, p. 503.

<sup>2</sup> *Beauties of Jeremy Taylor*, p. 92.

We Irish Catholics are often taunted, for the same reason, with our poverty, and are pointed at as an instance of the improvidence which Catholicity generates in those who profess its principles; whilst the superior wealth and thriftiness of our Protestant neighbours are proudly set forth as the natural result of Protestantism. This reproach, to say the least of it, comes with bad grace from those who ought to be as silent on this subject as the tomb. If we Irish Catholics are poor and improvident, whom are we to thank for it? We are to thank English tyranny and Protestant rapacity, which have plundered our property, and would, if they could, have robbed us of our faith? What was there to encourage thrift among our people? For generations the Irish people were no better than serfs in the hands of cruel taskmasters, and the fruits of their industry were ruthlessly confiscated by rapacious landlordism, backed up by the strong arm of a tyrannical government.

Is it fair, is it honourable, first to rob a man of his land, rifle his pockets, pick his purse, and then taunt him with his poverty and degradation? This is precisely what has been done by those who reproach us with our poverty and improvidence. Four-fifths of the landed estates of Ireland are in the hands of Protestants, who constitute scarcely a tenth of the population; and in most instances this property was wrested from our Catholic forefathers by fraud, force, and bloodshed—by means the foulest and blackest in all history. Truly, Ireland has much to forgive; and no piecemeal legislation, but sweeping measures, will restore to our people a tithe of what was originally wrested from them. Surely, Protestantism has no reason to be proud of its ascendancy of wealth in our country. Thanks to the march of democracy, its influence is past and gone for ever. But our noble Irish people have reason to be proud of their poverty, as it is an abiding proof that neither the wiles of statecraft nor the demon hand of tyranny, which plundered their property, could rob them of the priceless treasure of their faith.

To prove the divinity of Protestantism, and to carry to

its utmost limits the brilliant argument of Protestant prosperity, the learned Dean tells how insignificant were England's conquests in the reign of Mary Tudor, and how, in the same "bloody" reign, England lost Calais; insinuating, of course, that all these misfortunes happened because Queen Mary was such a Catholic, and that not one of them would have occurred if she were emancipated, by the "blessed Reformation," from the harassing thralldom of a conscience. But the Dean does not tell how Edward III., who is one of his heroes, lost the whole of France, almost as suddenly as he had gained it. Nor does the devout Dean, who is so chary about the morals of Catholic nations, especially of Rome under the Popes, tell us that that same Edward III. died, as Green, a Protestant historian, says, "in a dishonoured old age, robbed, even on his death-bed, of his finger-rings, by the vile mistress to whom he had clung." Neither does the Dean tell us that that same Edward III. whom our impartial critic styles "one of our greatest sovereigns," passed anti-Papal legislation which would have disgraced a Nero, some of which, to England's disgrace, is still to be found in the Statute-book of the realm.

Is it the King's piety or polity which has moved the devout Dean to place this good and great man in the niche of fame? We suspect the latter has had a good deal to do with the Dean's estimate of the King's character. Verily the Dean's heroes are pretty pictures. It is a pity, it will be a national loss, if he should not treat us to a few more of them.

To prove his case, "that the boundless prosperity of Protestant England is a sign of God's blessing," this learned Dean summons from the treasury of his Scriptural lore one solitary text: "Every plant which My Heavenly Father hath not planted shall be rooted out." The Dean's whole essay is an incoherent jungle. Evidently he meant this text to cut two ways—for the exaltation of Protestantism and the extinction of Catholicity. Does this good man mean that the Catholic Church is one of those days to be blotted out of the map of the world's history, and that blessed Protestantism is to hold dominant sway over the hearts of all men?



Protestantism is to be congratulated on the new Dean's delightful dialectics. Are we charitable in supposing the Dean had put on his night-cap when he penned these lines? Why that cry has been raised by fanatics and fools for the last three hundred years! But, of course, the Dean of Canterbury was not always there, and it is well for the Catholic Church that he was not. For that Church which has stood the storms of nineteen centuries—which neither pelf nor power could crush, is going to be shivered into atoms one of those fine mornings by the invincible battalions of the new Dean of Canterbury. We may tell this great man that never in her long and unequalled history was the Catholic Church stronger than she is now; never were her subjects more numerous; never were her children more devoted to their loving Mother; never were her bishops and priests more earnest to promote their own sanctity and the common weal, and never did the subjects of this spiritual sovereign look towards him with more loving eyes or warmer hearts, than the children of the Catholic Church in our time look to the great Pontiff who now happily guides its destinies. "Every plant which My Heavenly Father hath not planted shall be rooted out."

Verily Dean Farrar "wrests the Word of God to his own destruction." Yes, every doctrine or so-called system of religion not founded in and engrafted on Christ shall be rooted out; so was Arianism, which lasted longer, and was more widespread than Protestantism; so was Manichæism; so was Donatism; so was Pelagianism; so shall every other system which is merely of man, come to nought. Not to speak of Germany, Norway, Sweden, and Denmark, where Protestantism is a laughing-stock and a stalking-horse for infidelity, the poor Dean need not look beyond the horizon of his own country to see that what Froude has aptly called "the now despised Protestantism" is fast falling to ruin—that it is in the throes of death. I think the poor Dean knows this in his heart, and hence his present spasmodic efforts to try to galvanize it into the appearance of a living form. We would then remind Dean Farrar that worldly prosperity, so far from being a sign of God's favour,

is often a sign of God's severest displeasure, and that a Church which has nothing better to appeal to as a sign of its truth and purity than the wealth and extent of the British Empire, is in a very dangerous and disastrous state. Can the Dean be ignorant of the words of the Psalmist:—"I have seen the wicked exalted and lifted up like the cedars of Lebanon, and I passed by, and lo! he was not, and I sought him, and his place was not found."

To guard against misconception, and, in conclusion, to place my argument in a clearer light, I think it right to state that in thus proving the utter inconclusiveness of Dean Farrar's argument against Catholicity, and in favour of Protestantism, I do not mean to imply that the temporal prosperity of a nation or of an individual is incompatible with the profession and practice of true Christianity. For we have shown that it is trust in riches, not the possession of them, which makes it so extremely difficult to enter into the Kingdom of Heaven. But we have also shown, and we think clearly, that it is very hard to have riches and not trust in them. We then admit that a people may be wealthy, and yet good Christians. But we deny—and we think we have disproved what Dean Farrar holds—that a people are necessarily true Christians because they are wealthy, or that they are necessarily wealthy because they are true Christians. We admit that the two things, viz., religion and riches, are not incompatible; that is, may be found together. But we deny that they are necessarily associated together. On the contrary, from the very genius of Christianity, and from the weakness of human nature, which is so liable to be engrossed by things of sense, we would be naturally led to infer that they are oftener found apart than united. And that Dean Farrar's assertion would hold good, the two should be necessarily united, which I have proved they are not. So much for the soundness of the principles which lie at the foundation of the Dean's argument against Catholicity and in favour of Protestantism. On another occasion we shall see if the Dean's theology is as good as his knowledge of history and exegesis of Scripture.

W. J. MULCAHY.

THE FRIARS AND FEUDALISM<sup>1</sup>

SO much has been written on the life of St. Francis of Assisi, one might have thought there was little matter or occasion for further writing or speaking on the subject, interesting, undoubtedly, though it is. Where so many historians have so long occupied the field, it might have been expected that newcomers must be only mere gleaners, binding up a few sheaves after the harvest has been gathered in. As, however, in many places and scenes with which we are familiar, there may be colours, beauties of light and shade, which we did not notice before; so, in the life of St. Francis of Assisi, there may be scenes and events which had been hitherto unperceived. Or, coming to look at them again, we may see them in a way more suited to our thoughts, to the knowledge we have gained, and the experience forced upon us since the time when the sweet but steadfast life of St. Francis of Assisi began to have for us an attraction which that of no other saint could claim.

This attraction has been felt even by the unbeliever in Italy, and France, and Germany; even the cold bigotry of England has felt and acknowledged the sympathy and affection which made Francis regard all men as brothers, all nations as children of the same Great Father. In the lives of the saints, praying and fasting are matters of course, for these we find in all the histories of the saints; but there is more in the life of the gentle saint of Assisi than the ordinary details of prayer and fasting. Histories have been written of him by men differing widely in race and creed, because those men were drawn to him by the charm of his gentleness, by his success in the social emancipation of the poor, and by his efforts to ennoble the human character—to lift men's minds above the narrowness, the meanness of the world's thought, and show them that by virtue of their common humanity all men were equal; that the assumption

<sup>1</sup> Abbe Le Monnier's *History of St. Francis of Assisi*: Kegan Paul & Co., demy 8vo, cloth, 524 pp., 16s.

of pride was but the mask of falsehood, and should be swept away by the help of the same Spirit who has said there is no superiority, no preference, "no acceptance of persons before God;" the only real superiority one person can claim over another being the better life which he leads; the holier, the nobler thoughts he stores up in his soul; and the greater likeness he bears to his Maker in the virtues which the Redeemer came to teach. All men who have thought of the subject have acknowledged what Francis did for God and for man.

By those only slightly acquainted with Church and Social History, Francis of Assisi is regarded merely as the founder of a new order of monks. Now, there is, historically speaking, a wide difference between the friars and the monks. "The monks lived away in remote country districts. They developed into rich landowners, and their tenants were prosperous and happy." The towns were looked after by the local clergy, who were too few in proportion to the work to be done, or were not so zealous as they are now; it is, at all events, positively asserted that the people in the towns were very much neglected. At the opening of the thirteenth century the world was very different from what it is to-day. It was fearfully unsettled. Kings were at war with their subjects. The lords and the barons, who were supposed to be subjects, were too powerful to submit to the exactions and demands of the kings. Constant wars drove kings and lords to extortion and tyranny; the lesser lords followed the example of the greater, and plundered without pity the honest and the hardworking wherever they could. No matter how the dispute arose, the people were the sufferers. The feudal system had made the lords and barons, in a great measure, independent of the kings. Provinces and counties made wars on their own account; and tenants, serfs, vassals, retainers, dependants of every class were dragged into struggles and strife, in which they had no personal concern. As a consequence, industry was paralyzed, houses were broken up, the strong men were forced away from their families; when they came back from the wars, they were neither soldiers nor citizens—neither men of the sword nor men of business, but a very poor make-up of both.

The power of the Church was still great. Yet it must be remembered that the Archbishop of Canterbury was murdered at the altar steps in the broad light of day by a band of volunteer assassins who wished to gratify the humour of an English king. The world was in a bad way. Where were the monks then? They were living in the midst of their tenantry in the remote country districts. The cities and the towns awaited the coming of the friars, and they sadly needed their zeal and their help.

A vast change was soon wrought for the better. The towns and cities which had been neglected were neglected no longer; not one but two saints were sent to the rescue, and they set the hearts of their followers and their hearers aflame with the grace and the spirit which they themselves possessed. Public opinion recognised them as the surest hope of the Church and of public safety; the wild spirit of the times was being subdued to the spirit of Christ; men began to realize it was "noble to be good," that the gifts of the mind, the true feelings of the heart, were better and loftier than the brute force and brute instinct which had lived on blood.

"To bring back the world within the pale of the Church, was the aim of the two great religious orders which sprang suddenly into life at the opening of the thirteenth century. The zeal of the Spaniard, St. Dominic, was roused; his fiery ardour, and stern allegiance to the Church, were surpassed in great results by the mystical piety and imaginative enthusiasm of Francis of Assisi. The life of Francis falls like a stream of soft light across the darkness of the time. He strips himself of all, he flings his clothes at his father's feet, that he might be one with nature and with God. The enthusiasm with which the people welcomed the appearance of these two great saints swept before it all opposition; thousands of brethren gathered in a few years round Dominic and Francis; they wandered barefooted over Asia, they battled with heresy in Italy and Gaul; they lectured in the Universities, and they preached and toiled among the poor."

This change for the better was wrought in spite of the feudal system, in spite of the opposition of the feudal lords. St. Francis made Franciscans of the soldiers who fought under the banners of the different factions. He made

Franciscans of the men who were liable to be pressed into fighting for the high-born gentlemen who looked upon fighting as a privilege which belonged to them by nature ; in fact, by a sort of "right divine."

The Abbe Le Monnier gives a very graphic account of the success of St. Francis in his great work of emancipating the people from the despotic control and the humours of the lords and barons of the feudal times:—

"One day as Francis was preaching in the little village of Cannara, two leagues from Assisi, his hearers were so carried away by his words, that all—men and women, young and old—threw themselves at his feet, and besought him to clothe them in the habit of the order. 'Do nothing of the kind ; you are not able, nor ought you do it. But I will think of you ; I will seek, and, with God's blessing, I shall find a means of sanctification more within your reach.' This promise he renewed on other occasions. 'What must we do?' the people asked him. 'We cannot forsake our wives,' said the husbands. 'We cannot leave our husbands,' said the wives. 'How shall we save ourselves?' 'Remain as you are,' said Francis. 'I will think of you, and do something for you.'

"After a little while his inventive mind found the right thing. He would create a new and very vast organization of men and women, who, joining together, and being in connection with the First Order, without leaving the world, without leaving their homes, without breaking up family ties, without disturbing any relation they held towards one another as married or single, as parents or as children, would enjoy some of the strength and peace of the religious life.

"His plan had been long ripening, and he had probably arranged all its details when, in 1221, he came to preach in Tuscany. Near Sienna he found a man who seemed to him made to the type of the family he intended to organize. This was an inhabitant of Caggiano, named Luchese. His history is edifying. He had an agreeable countenance, good manners, an amiable disposition ; he was ambitious, though only a tradesman ; he thought it would be a fine thing to vie with the nobles ; it became a passion with him ; he knew the only way of succeeding was to become rich, and dazzle the country by his magnificence. His fortune soon increased, and his desire for wealth was about to be realized when a great change took place in him. One day when he was alone he began to think of the sovereignty of God, the wisdom and the goodness which He displayed in the creation, and which He still continues to manifest in the government of the world, and in the great long suffering with which He bears with sinners and receives them.

"These noble thoughts elevated him above his ordinary self. He saw he was not doing well in merely pursuing riches that must perish. After a consultation with his wife, he sold the greater part of his goods, and distributed the price to the poor.

"He carried out the sacrifice with such generosity, he soon reserved nothing for himself. The humble house became the *poor man's inn* for the whole district; the poor crowded to him; he gave to them till he had no more to give; more people coming, he bade his wife give them bread.

"'O brainless head! weakened by fasting,' she answered, 'where am I to find bread to give them?'

"In the bin, my Bonadonna,' replied Luchese. Be good in deed, as you are in name; have confidence in Him who fed five thousand with 'five loaves, and two small fishes.' She opened the bin, and, to her astonishment, found it filled with bread. Delighted and overcome, she ran to her husband, and from that day forward there was never need to urge her to deeds of charity.

"When Francis of Assisi, the patriarch of the poor, came, Luchese took care not to miss this favourable occasion of meeting a man whose holiness was so renowned. Francis received him kindly: won by his reception, he opened his heart to the saint, and asked him how he and his wife might become perfect.

"Francis, perceiving how detached he was from the world, how anxious to serve the Lord, and how tender to the poor, felt sure that God had sent him to him.

"'For some time,' he replied, 'I have been thinking of founding a Third Order, in which married people will have an opportunity of serving God faithfully. You can be the first to enrol yourself.'

"Then he explained to him the form he intended to give to this Order. Luchese said he would consider it a great grace to be called to it; and Bonadonna, when she heard of it, declared she would join her husband. Encouraged by this promising beginning, Francis publicly announced his design throughout the Val d'Elsa. A number of men and women, amongst whom are mentioned one Bruno, and another named Martolese, as being especially fervent, came immediately and offered themselves to him. Francis assembled them several times in a little chapel that he had received the year before from the liberality of the Siennese, and when he thought them sufficiently prepared, in the presence of spectators who were moved to tears at the sight, he clothed them in a simple modest habit of ash-grey, very like the one worn by the brethren of the First Order. Thus was formed the first group of the Third Order of St. Francis."

We shall soon see how rapidly the Third Order increased, and what a barrier it became to the despotic pretensions of feudalism.

The better to understand what the Third Order means, we shall quote the words of Pope Benedict XIII. :—

“ We enact and declare that the Third Order has always been and is holy ; meritorious in conformity with Christian perfection ; that it is truly, in the full force of the term, an Order containing in its unity seculars spread throughout the world, having its rule approved by the Holy See, having its novitiate, its profession, and a habit of a particular form and colour.”

“ Then it was an Order properly so called, an Order composed of people living in the world ; that is to say, not taking religious vows, that Francis had created.

“ An idea of the kind had never before been heard of in the Church. A certain number of monasteries had, it is true, given here and there, letters of affiliation to persons outside their Order, by which letters, those who were affiliated participated in their prayers, good works, and merits ; but there was a wide difference between that, and an Order having a distinct existence of its own, and embracing the faithful throughout the world ; ‘ that is, as many of the faithful as wished might become members of the new Order . . . ’

“ ‘ They changed the existing social order throughout the world in favour of the weak and the humble.’ But they had a fierce opposition to face and to overcome. ‘ The struggle broke out at Faenza less than three months after the foundation of the Third Order. The inhabitants of Faenza were passionate Guelphs. In 1240, they sustained a memorable siege against the Emperor in person, which lasted more than seven months. In 1221, they saw the advantages they could gain from the new institution. They enrolled themselves in it in great numbers, and setting up the Rule against the feudatories, they declared they were forbidden to follow them to war. ‘ We are religious,’ they said, ‘ we will no longer bind ourselves to your fortunes by oath.’

“ So new and singular a declaration must have frightened the nobles. If this state of things was allowed to spread, all their power would be endangered ; therefore, they employed every means they knew of to stifle it in the bud. The members of the Third Order were not without resources. On the 16th December, 1221, Pope Honorius wrote that the lords and authorities must be the enemies of all virtue if they constrained to military service men who, having renounced all glory in this world, aspired to nothing but to lead a Christian life and to practise works of penance. He ordered the Bishop to grant the request of those who addressed him, and to employ all the power of the Holy See, even, if need were, excommunication, to destroy the pretensions of their adversaries.

“ We can imagine [says the Abbe Le Monnier] the effect of



such an intervention when it was known that to escape military service it was sufficient to be enrolled amongst the Tertiaries; it was as good as done. The people on all sides were worn out with constant wars, which were the scourge of those days, and the weight of which fell entirely on them, and they hurried into an institution which promised them a more tranquil life.

"Fraternities were founded from north to south of the Peninsula. The nobles on their side redoubled their efforts to defend their situation. They had always looked upon it as their right to attach to themselves by oath, and to lead into their wars, those who were sheltered at the foot of their castles, or who lived in their domains.

"Against this right the Tertiaries asserted their religious claims. But, it was difficult to recognise as true religious men who were married and lived in their own houses, enjoying their possessions, and who were distinguished from the rest of their fellow-citizens only by their graver manners and a more austere style of dress. If the privileges of religious could be obtained on such easy conditions, everybody would enter religion, and there would be an end of the feudal power. There would be a new order of things: what we now call a great social revolution.

"The question was at this stage when Cardinal Ugoline, the friend of Francis, was placed in the Chair of Peter. He threw in the weight of his authority with singular decision. His election took place on the 18th of March, 1227. As early as June 25th he addressed a Bull to all the Bishops of Italy. Nothing could be stronger than were its terms regarding the feudal system. He compares the feudatories to the worst oppressors, to the Pharaohs of Egypt oppressing the people of Israel with an intolerable yoke. He reproaches them with persecuting those whom they ought to honour as the true friends of God. He declares that the Tertiaries are truly men of God, and that it is the duty of the Holy See to defend them in the fulfilment of their religious purposes; he enjoins the Bishops to employ ecclesiastical censures to assure to them the privileges due to those who belong to the Church. They must not be liable either to oath or military service. All that can be demanded of them, is that they acquit themselves of the charges to which they are constrained by reason of their possessions.

"No more military service from the multitude, no more oaths of fealty. Feudalism felt itself struck in its most vital part. But feudalism would die hard. The lords and barons planned a perfect network of obligations in which they hoped to entangle those who were escaping them. First, in place of a direct oath, they annexed to all acts passed within their jurisdiction an oath in which their power was formally though indirectly recognised. Second, they laid a tax upon Tertiaries who refused military service. Third, they refused the money brought by the Tertiaries

for the redemption of tolls, pretending that the money was not theirs, but was furnished by a society. And fourthly, they held the Tertiaries responsible for the obligations, debts, and even the crimes of all the members of the Corporation.

"Dismayed at these measures, which would have placed them lower than they were before, the Tertiaries had recourse to their protector. The Pontiff did not disappoint their hopes. He authorized them to refuse any oath of fealty, and to take only such oaths as are admitted by Canon Law; he declared that in no case, and under no pretext, could they be subjected to other charges than those laid upon their fellow-citizens.

"Some of the nobles here and there tried to resist, but their resistance was condemned beforehand. Two more short Pontifical letters sufficed to overcome the rest. In those letters the Pope shows himself confident of victory. He merely asks the Bishops to keep watch in their dioceses. 'Suffer the Tertiaries to be nowhere molested,' he says, and they were molested no more; the feudal system was vanquished; it had lost its numerous clients; for the future it would see an enfranchised multitude master of its own movements, and strong with all the resources of association."

Thus, in the words of the Marquis Cappoin, we see "Italian democracy taking its origin, and in same sort its consecration, in the rule of St. Francis."

The Church lost nothing by her brave defence of the Third Order of St. Francis :—

"They ranged themselves like a powerful army on the side of their benefactress; and their assistance came opportunely; the Papacy was contending with Frederic II., Emperor of Germany. The Church had seldom a more powerful enemy. He aspired to a national Church, of which he should be the chief. The Tertiaries composed the body of the communal militia, which opposed Frederic so strenuously, and appeared on all the battle-fields, and at all the breaches." In defence of the Church "leagues were formed and reformed at all points throughout Italy; we find them in the north, about the powerful City of Milan; in the states of the Church; they existed even in the two Sicilies, where the emperors always considered themselves as in their own home. A new spirit was abroad giving cohesion to forces which before had been scattered; and this spirit came manifestly from the Third Order of Franciscans, which by awakening moral energy amongst the populace, armed them to defend their rights against the brutality of despotism."

J. J. KELLY, O.S.F.

## JOSEPHUS AND THE LANGUAGE OF PALESTINE IN THE DAYS OF CHRIST

A FEW years ago a man who went by the name of "Parallax" caused some excitement in the scientific world by maintaining that the Copernican system of astronomy was altogether wrong, and that in reality the notion of the ancients as to the flatness of our planet was the right one. Starting from this principle, Parallax undertook to explain, and in most cases did adduce a more or less plausible explanation of the various phenomena which are held to demonstrate the spheroidal shape of the earth. Dr. Roberts—though we do not for a moment insinuate that he supports a theory so wild as that to which we have just alluded—seems to have taken up a position regarding the language of Palestine in the beginning of the Christian era, and the language used by Christ and His Apostles, almost as unpopular with biblical scholars of the present day, and as out of harmony with the popular sentiment on the subject.

A few scholars in the past have been bold enough to maintain that Latin was the ordinary language of Christ—influenced, perhaps, by a desire to exalt the importance of the Latin Vulgate. Among them may be mentioned Werndorf, the Jesuit Hardouin, and an Englishman named Black, who, in the early part of the century, published a book called *Palæoromaica*, which led to much discussion, and was answered by Bishop Burges, Dr. Falconer, Mr. Broughton, and others. This eccentric view was defended with much ability and ingenuity; but, for all that, it is one that hardly requires to be seriously dealt with.

Greater support has, however, been found for the opinion that Greek was the prevailing language in Palestine in our Saviour's time, and was the ordinary language used by Christ and His Apostles. So taught Isaac Vossius in the latter part of the seventeenth century; and Dominic Diodati maintained the same proposition at Naples, in 1767. The idea, however, never obtained much support; and it may be said to be opposed to the prevailing sentiment of

scholars of our own day. Dr. Roberts, however, a professor of St. Andrew's University, and a man of undoubted learning and ability, has been boldly doing battle on behalf of the same contention for more than a quarter of a century; and if we are unable to subscribe to his conclusions, we, at any rate, fully recognise the thoroughness of his scholarship and the strength of the case which he has brought forward against the dominant hypothesis.

Dr. Roberts has already written many works in support of the theory, which it has been the work of his life to establish. But his last publication is, perhaps, the most important—a work which he calls *Greek, the Language of Christ and His Apostles*,<sup>1</sup> and in which he makes his “final effort to convince the world that Greek was the language habitually made use of by Christ in His public teaching.”<sup>2</sup> In the remarks which we propose to offer on this subject we shall confine ourselves entirely to this volume of Dr. Roberts; but we must also remark that it will be quite impossible, in the compass of a short essay, to discuss the question in all its bearings, and to examine into all the evidence brought forward by the learned writer. If we were to attempt such a work, the result could not fail to be incomplete and unsatisfactory. We shall, therefore, confine our remarks to one part of the subject, and endeavour to show what light the words of Josephus throw upon the language of Palestine in the beginning of the Christian era.

We begin by stating, in Dr. Roberts' words, what it is that he tries to establish in the volume before us. “What I maintain,” he says,<sup>3</sup> “and shall endeavour to prove, is, that Greek was, in many important respects, the then *prevailing* language of literature and commerce; the language generally employed in public intercourse; the language which a religious teacher would have no hesitation in selecting and making use of, for the most part, as the vehicle for conveying his instructions, whether orally or in writing;

<sup>1</sup> London: Longmans, Green, & Co. A smaller edition of the same appeared in 1893.

<sup>2</sup> Page 5.

<sup>3</sup> *Ibid.*

and the language accordingly which was thus employed by our Saviour and His apostles."<sup>1</sup>

Now, with reference to this passage, there is much of it with which we are in agreement. It is unquestionable that Greek was much spoken in Palestine at the time of Christ. Many of the cities, such as Gadara, Tiberias, Sepphoris, and Cæsarea, had a large element of Græco-Macedonian civilization; and in them, doubtless, Greek was largely spoken, just as French is now in Cairo, Jerusalem, Constantinople, and Athens, or as English is employed in Bombay, Calcutta, and Madras. So, too, many Palestinian Jews had acquired a knowledge of Greek; whilst the Jews dwelling in Egypt, and other countries where Greek was spoken, naturally made use of that language. Add to this the fact that many foreigners, and many Jews of the *diaspora*, dwelt in Judea and Palestine, and there spoke their own language, and it will be obvious that Greek must have been largely used in Palestine at the beginning of the Christian era. But, all this notwithstanding, we are disposed to agree with M. Renan when he says, "Nous pensons que le Syro-Chaldique était la langue la plus répandue en Judée, et que le Christ ne dut pas en avoir d'autre dans ses entretiens populaires!"<sup>2</sup>

Upon the language spoken by the Palestinian Jews at the time of Christ, it is clear that Josephus must of necessity be a most important witness. He was a Palestinian Jew, born at Jerusalem in A.D. 37, was liberally educated, and lived on till the end of the century. Moreover, he has written a good deal about his own nation; he mixed much both with Jews and Romans; and, of course, knew exactly the linguistic state of his countrymen. The only question is, have we any clue in his writings as to language which his countrymen used. We shall endeavour to answer that question in the following pages.

"The great and conclusive proof to be derived from the writings of Josephus," says Dr. Roberts,<sup>3</sup> "as to the general

<sup>1</sup> Page 5.

<sup>2</sup> *Histoire Générale des Langues Sémitiques* (ed. 5), p. 229. For this paragraph, cf. Vigouroux, *Le Nouveau Testament*, p. 18, et seq.

<sup>3</sup> Page 69.

employment of Greek on all public occasions in Palestine, remains yet to be considered. It is found in the numerous *speeches* of which he gives us an account. Let us turn, for instance, to Book xvii., chap. v., of the *Antiquities*." We are quite willing to take the instance proposed, and to see if it really is, as Dr. Roberts declares, "a decisive case" in favour of his contention. The facts are these:—Antipater, son of Herod the Great, was brought to trial before his father and the Roman Governor, Quintilius Varus. Josephus narrates how "Varus and the King sat together for judgment; and the friends of both were also called in, along with the King's relations and his sister, Salome, and certain persons who were to make disclosures, some of whom had been tortured; and, besides all these, the slaves of Antipater's mother." During the trial, Herod, Antipater, and Nicolaus of Damascus, a confidential adviser of Herod's, speak at considerable length. No account is given as to the examination of the witnesses. We know they were called upon to give evidence, but whether in Greek or Syro-Chaldaic, or in various languages, by means of interpreters, we have no means of deciding.

The question that arises in regard to the trial is in what language the proceedings were conducted. Dr. Roberts formally rejects Hebrew and Latin as being out of the question, and decides that Greek is the only admissible language. Nor are we disposed to quarrel with his conclusion; but then the fact of such a trial being conducted in Greek seems to us a very slender support of the contention that "Greek was used for all public purposes in Palestine."

For it must be borne in mind that Herod was a great admirer of Greek customs. Renan refers to "Son entourage Hellinique, sa vie toute grecque;"<sup>1</sup> and says of him, "Ce n'était nullement un juif. Il aimait la mode et ce qui était alors à la mode, la vie grecque."<sup>2</sup> Again, Dean Milman writes<sup>3</sup> of him that "he steadily pursued his policy of

<sup>1</sup> *Histoire du Peuple d'Israel*, vol. v., p. 252.

<sup>2</sup> Page 265.

<sup>3</sup> *History of the Jews*, vol. ii., p. 74.

counterbalancing, by a strong Grecian party, the turbulent and exclusive spirit of his Jewish subjects." But, in reality, Dr. Roberts insists on this fact just as strongly as we do, and tells us that Herod "was extremely solicitous to introduce foreign practices into Judea," and "to plant and nurture Greek customs among his subjects."<sup>1</sup> It must not, however, be supposed that he tried to force his own views down the throats of his subjects. On the contrary, though he hated Judaism, he made all possible concessions to the native population, even so far as to refrain from having his image stamped upon the coinage, and to insist upon the circumcision of his sons-in-law.

Such being the facts of the case, it does not seem to be a very powerful proof that Greek was the language used for all public purposes in Palestine ; that, in a public trial conducted by Herod and the Roman governor, when the court was packed with their friends and dependents, the language used by the speakers should have been Greek. Doubtless, Greek was commonly spoken in Herod's Court ; no doubt the same language was familiar to the Roman Governor ; Nicholas of Damascus, the well-known historian, of course employed that language ; and it cannot be doubted that a large percentage of the friends and dependents of Herod and Varus were either Greeks, or fully imbued with Greek manners and customs. But from all this, we can no more conclude that Greek was the commonly-spoken language of the Jews, than that Norman was the prevailing language of England at the time of the Conquest, because it was spoken at Court ; or that French is the common tongue of Egypt, because it is so largely employed in Cairo and Alexandria. The trial just referred to, Dr. Roberts informs us, "indicates the linguistic condition of Palestine immediately before the birth of Christ." He then goes on to adduce a passage implying "that the same state of matters existed at the period following His death."<sup>2</sup>

In the eighteenth book of the *Antiquities*, Chap. viii., an account is given of the persistent attempts made by the

<sup>1</sup> Pages 74, 75.

<sup>2</sup> Page 71.

Emperor Caligula to have his statue erected in the temple of Jerusalem, and the determined opposition of the Jews. The Emperor is resolved, even at the cost of war, to have his whim satisfied, and sends Petronius, the Governor of Syria, with instructions to execute his command. In the meantime, however, the Jews had become alarmed, and came to Petronius in myriads, entreating him not to compel them to disobey the law of their ancestors." <sup>1</sup> Then, Dr. Roberts tells us, a long colloquy ensued between the Roman Governor and the Jews of Jerusalem. It is clear, he considers, that no interpreter can have been used, all the more so, because in a parallel passage relating to this event, in the *Wars of the Jews*,<sup>2</sup> it is distinctly stated that *πάν πληθος*, the whole multitude cried out in reply. Here again, we are to conclude that the multitude of the Jews were able to converse in Greek. In fact, to quote Dr. Roberts' words, "we are furnished with decisive evidence of their easy and familiar use of the Greek language."<sup>3</sup>

Why does not our learned author strengthen still more his case by giving a slightly fuller account of the whole incident? In the chapter of the *Antiquities* referred to, the Jews are said to have come to Petronius "in many ten thousands," not once, but three times. A discussion is related to have taken place between the Governor and the Jews, in which the latter reply, sometimes at great length, the speeches being not unfrequently reported in the direct narration. Surely—Dr. Roberts must pardon us for saying so—there is an element of the ludicrous in the way in which he uses this incident to support his argument. Are we to take Josephus' account as literally accurate, to treat the narrative, as we should a passage of the Bible, if we took a strict view of inspiration? How did Josephus come to know the very words used by the speakers in long dialogues such as these? How could a discussion be carried on between one man on the one side, and "many ten thousands" on the other? How could such a large body of men have come to reply over and over again in exactly the same

<sup>1</sup> Page 72.<sup>2</sup> Book ii., c. x.<sup>3</sup> Page 74.



words? Or are we to imagine a reporter present to take down the speeches in shorthand, and that the "many ten thousands" held rehearsals beforehand, so as to be able to pour forth their eloquence in unison? Surely all this cannot be taken literally; that is out of the question. Probably some of the leaders acted as spokesmen for the crowd, as would happen in any similar case at the present day, even if there were no difficulty as to language; and it may be that at important points the spokesmen gave information to their comrades, leading them to utter exclamations, if not in the same words, at least of the same tenor. As to the language used by the leaders, we have no objection to admitting that it was Greek. But there is nothing in the incident to show that that language was familiar to the tens of thousands who formed the body of the meeting.

It must not, however, be imagined that we hold that none of the Jews possessed a knowledge of Greek. On the contrary, we admit that many of them did; and, doubtless, among the priestly families, many were brought up with a knowledge of that language, so important had become the Alexandrian branch of the Jewish race, and the sacred books emanating from among them, which were only accessible in the Greek tongue. Thus an incident is mentioned in the *Wars of the Jews*,<sup>1</sup> concerning a boy who was "among those priests who had continued to abide on the wall of the temple." Being distressed by thirst, he had implored the Romans to allow him to come down from the wall in safety and drink. They, having pity upon him, assented; and he, taking advantage of their kindness, when he had satisfied his thirst, filled a vessel which he had brought with him with water, and then took to flight and got safely back upon the walls. Meanwhile, the Romans reproached him for his breach of faith, and he replied in his own defence. The question is, was the conversation carried on in Greek? Very probably it was; and that the youth, being brought up among the priests, had been instructed in that language. But we cannot say for certain. It is quite possible that the

<sup>1</sup> vi., 6, 1.

Roman soldiers, who had now been a long time in Palestine had acquired enough knowledge of the vernacular to carry on a simple conversation in the Syro-Chaldaic.

We are equally unable to say in what language the Jewish champion, referred to in the same book of the *Wars of the Jews*,<sup>1</sup> addressed the Roman soldiers. Josephus speaks of him as follows:—

“Now in these days there was a certain man among the Jews. low of stature, and of a despicable appearance, undistinguished either by his family, or in any other respects; his name was Jonathan. He went out to the monument of John the high-priest, and when he had uttered many other insolent things to the Romans, he ended by challenging the best of them to single combat. But many of those who were stationed there ridiculed him, while there were some (as was to be expected) who were afraid of him. . . . And when no one for a long time came forth to meet him, the Jew railed against their cowardice at great length.”

In what language did the Jewish soldier speak? We do not know. It may have been Latin; it may have been Greek. Or what seems to us more likely, the man may have known enough of these languages to challenge any of the enemy to fight, and to make insulting remarks at their expense, whilst he ended by pouring volumes of abuse upon them in his own tongue. Certainly, it is by no means obvious that the intercourse “must have been conducted in the Greek language.” And even if it were, we have in the incident very little proof that Greek was the prevailing medium of intercourse in Palestine. It is obvious that if the Jews wished to put forward a champion to insult and challenge any of the Romans to fight, they would have selected a man who knew sufficient of their language to make himself understood; and it may be taken for granted that there were many such within their ranks.

Dr. Roberts is of opinion that the account given by Josephus of the origin of the Septuagint translation, and the use made by that author of the Greek version, adds strength to his argument.<sup>2</sup> It is perhaps hardly necessary

<sup>1</sup> 2, 10.

<sup>2</sup> Cf. p. 74.

to explain that Josephus, in the *Antiquities of the Jews*,<sup>1</sup> relates how Ptolemy Philadelphus, King of Egypt, sent to the high-priest of the Jews, requesting him to send men to him from Jerusalem to translate into Greek the sacred books of the Jews. This narrative, Dr. Roberts declares, "plainly implies that the Jews understood and employed Greek many generations before the coming of Christ." It must, however, be borne in mind, that Dr. Roberts' argument reposes entirely upon the assumption that Josephus' account of the origin of the Septuagint is trustworthy, a proposition which would not now be supported by many biblical scholars. But even if the narrative be taken to be literally true, it would by no means show, in any sense bearing on the argument, that "the Jews understood and employed Greek many generations before the coming of Christ." No doubt it would show that there were to be found in Palestine men competent to translate Hebrew into Greek; but then that would not prove that Greek was a language spoken in Palestine, any more than the fact that there are a number of eminent Hebraists now in England would show that Englishmen now "understood and employed" Hebrew.

How far Josephus employed the Septuagint, and how far the Hebrew, in the references that occur throughout his works to the Old Testament, seems to be a disputed point. There is, indeed, no reason to deny that he largely used the Greek version. But this does not show, "how much the generality of the Jews of the time of Christ had to rely for their knowledge of the Bible on the Greek translation, and how common its use was even among those who had some acquaintance with the tongue in which the Sacred Scriptures were originally composed."<sup>2</sup> Josephus used the Septuagint in his existing works, because they are in Greek; and he naturally quoted the Old Testament in the recognised edition of the language in which he was writing. This was all the more to be expected, since we know that he always found it tiresome to compose in (and hence to translate into) Greek.

<sup>1</sup> Book xii.

<sup>2</sup> Page 67.

So far we have been dealing with the chief arguments brought forward by Dr. Roberts in support of his theory. Let us now look at the other side of the question. In the preface to the Greek translation of his *Wars of the Jews*, Josephus tells us that he proposed to himself, "for the sake of such as live under the government of the Romans, to translate those books into the Greek tongue, which I formerly composed in the language of our own country, and sent to the Upper Barbarians.<sup>1</sup> The language referred to as "the language of our own country" was unquestionably the debased form of Hebrew spoken in Palestine in the beginning of the Christian era, called Syro-Chaldaic. So that here is an instance of the great Jewish historian, when he wants to write for his countrymen a history of the Jewish wars, using, not Greek—said by some to have been the language of literature and of public intercourse—but Syro-Chaldaic. Does not this fact show that Syro-Chaldaic and not Greek was at that time the ordinary language of the Jews?

Dr. Roberts seems to me far from successful in his endeavour to explain away the significance of the above passage. There is no room to doubt that the Upper Barbarians (τοῖς ἄνω βαρβάρους) referred to, are, as that author suggests, the Parthians, Babylonians, Arabians, and Jews dwelling beyond the Euphrates, but the book would, moreover, seem to have been intended, as the author of the article "Gospels" in the *Encyclopædia Britannica* suggests, for the Jews inhabiting Palestine. In any case, if Syro-Chaldaic, which Josephus calls the language of his own country, was the tongue actually in use among the Jews of these distant regions, surely much more likely is it to have been used by the Jews in their own country.

That the original edition of the *Wars* was intended for the Palestinian Jews seems also to follow from the fact that the Greek edition was brought out for "those living under the government of the Romans." But here again, Dr. Roberts gives it as his opinion that "Josephus, in

composing his history in Greek, intended it for the use *generally* of those who lived *under the government of the Romans*—manifestly therefore, though not exclusively, for those of his brethren still remaining in Palestine.”<sup>1</sup>

It is a little unfortunate that Dr. Roberts did not bring the second paragraph of the preface to bear upon the first with a view to clearing up the meaning of the ambiguous words. From what he there says it seems clear that Josephus’ object in translating was because he thought it absurd “to suffer those Greeks and Romans that were not in the wars to be ignorant” of the events connected with them. So that Josephus seems to have published his Greek edition of the *Wars*, not for those living under the government of Rome in general, including the Palestinian Jews, but for the Greeks and Romans, who had taken no part in the war, and had heard all kinds of falsehoods about it.<sup>2</sup>

Indeed anyone who reads the first two paragraphs of the preface to the *Wars of the Jews* must see that there is a strong antithesis between the Romans and the Jews; and that the object of the writer was to correct such false notions as had been circulated in Greek and Roman accounts of the Wars, through “flattery of the Romans or hatred of the Jews.” Such correction was quite unnecessary, as far as Palestine and its inhabitants were concerned; that fact seems obvious. It could only have been required by the populations of countries which were far from the scene of war, and had “gotten together vain and contradictory stories by hearsay.”<sup>3</sup>

That Syro-Chaldaic was the ordinary language of the Palestinian Jews, appears also from a passage of Josephus, in his *Contra Apionem*. It is there related how, when Josephus was taken prisoner by the Romans, after being kept for some time under guard by Vespasian and Titus, he was set at liberty, and sent to accompany Titus from Alexandra to the siege of Jerusalem. “During that time,” he writes,<sup>4</sup> “there was nothing done which escaped my knowledge; for what happened in the Roman camp I saw, and wrote down

<sup>1</sup> Page 443.

<sup>2</sup> *Ibid.*

<sup>3</sup> Sec. 1.

<sup>4</sup> 1, 9.

carefully ; and what informations the deserters brought out of the city, I was the only man that understood them." Here the obvious explanation of the text is, that the prisoners, being Palestinian Jews, and speaking their national dialect, were not understood by the Roman soldiers, but only by Josephus, who was himself a Palestinian Jew. Dr. Roberts endeavours to evade this deduction, by translating the word *συνίην* to mean "became acquainted with," instead of "understood;" as if Josephus were the only man in the Roman camp who was allowed to know the information brought in from the enemy by deserters. Surely such a state of things is incredible ! That the responsible officers should have been kept in the dark as to what was happening in the city, whilst a prisoner should have been kept fully informed ! Is it not far more natural to take the word *συνίην*, as is done by all translators who do not approach the question from a point of view, to mean "understood," implying that Josephus, owing to his knowledge of Syro-Chaldaic, had exceptional advantages for knowing, not only what was passing in the Roman camp, but also what was going on in the city.

That such is the real meaning of the passage seems to follow, moreover, from other incidents mentioned by Josephus, showing that Syro-Chaldaic was the ordinary language of the Jewish soldiers. Thus we read of two occasions during the siege on which Josephus was sent by Titus to address the Jews in the native language (*τῇ πατρίῳ γλώσσῃ*) and in Hebrew (*Ἑβραϊζῶν*)<sup>1</sup>. Dr. Roberts explains the fact by saying that it was natural for the Jews, in the state of exasperation in which they were, to have fallen back on the employment of their national language.<sup>2</sup> Such an explanation seems quite insufficient. Titus was too practical a man to have sent an ambassador to the Jews to address them in Hebrew for mere sentimental reasons if Greek was their ordinary language. But such an idea is put quite out of court as far as the second address is concerned. For from the reception accorded to Josephus on his first visit, it was

<sup>1</sup> *Wars*, v. 9. 2, vi. 2. 1.

<sup>2</sup> Page 449.

perfectly evident that the Jews regarded him with the utmost horror and loathing, and would have taken his life if they could.<sup>1</sup> If then Titus sent him a second time to address his countrymen, it was clearly because he alone was fluent in their language, and could be understood by them.

At all events, there is an instance given by Josephus of the employment of an interpreter between the Jews and Romans, under circumstances in which the former could not have refused to employ Greek, had they really understood it. When the temple was all but taken, and there was now no possibility of escape, the tyrants desired to treat with Titus in person.<sup>2</sup> He on his side acceded to their prayer, and "appointed an interpreter between them, which was a sign that he was the conqueror." Now it would be interesting to know what the object of appointing an interpreter would have been, if the Jews had known Greek. Nor can we argue, from the fact that Josephus here mentions the employment of such an intermediary, that no such official was present on other similar occasions. Arguments from silence are always dangerous. They are particularly lame in this instance; because, as there was no reason why Josephus should have made mention of an interpreter on other occasions, so there is a reason for alluding to him in the present juncture; since the acquiescence in his appointment by Titus on the part of the Jews, was an acknowledgment on their part "that he was the conqueror."

A somewhat similar incident is mentioned a little before, in the same book of the *Wars of the Jews*.<sup>3</sup> Titus had been remonstrating with and reproaching the party of John and John himself for their obstinacy in prolonging the siege, when all hope of successful defence was over. When he had finished speaking, we are told that "Josephus explained those things from the mouth of Cæsar." Why so? Except upon the supposition that the Jews could not understand the language of Titus; but required to have it translated for them into their native tongue, the Syro-Chaldaic.

We shall end our examination of Josephus with two

<sup>1</sup> v. 9. 4.

<sup>2</sup> *Wars*, vi. 6. 2.

<sup>3</sup> vi. 6. 4.

extracts taken, one from the beginning, the other from towards the end of the *Antiquities of the Jews*, and a word regarding the names of places in his works. In the preface to the *Antiquities*, the historian<sup>1</sup> speaks of the weariness that had come over him as he pursued his task, "it being a large subject, and a difficult thing to translate our history into a foreign, and to us unaccustomed language." Such seems the obvious sense of the Greek, and so Whiston translates the passage. In plain English it means that the subject was long, and that Josephus, being accustomed to Syro-Chaldaic, found it tiresome to compose in Greek. Nor can we agree with Dr. Roberts' strained interpretation, that Josephus refers to the difficulty he found in writing in classical Greek, instead of in the Greek *patois* of Palestine.

In the second passage referred to<sup>1</sup> Josephus uses words, which confirm the view that Greek was not the prevailing language of Palestine in Josephus' time :—

"I am so bold as to say [he writes] now I have so completely perfected the work I have proposed to myself to do, that no other person, whether Jew or foreigner, had he ever so great an inclination to it, could so accurately deliver those accounts to the Greeks, as is done in these books. For those of my own nation freely acknowledge that I far exceed them in the learning belonging to the Jews. I have also taken a great deal of pains to obtain the learning of the Greeks, and understand the elements of the Greek language, although I have so long accustomed myself to speak our own tongue, that I cannot pronounce Greek with sufficient exactness; for our nation does not encourage those that learn the languages of many nations, and so adorn their discourses with the smoothness of their periods, because they look upon this sort of accomplishment as common, not only to all sorts of freemen, but to as many of the servants as wish to learn them."

We thoroughly endorse Dr. Sanday's statement in regard to the above quotation. "The idea that Greek was the current language of the country is contradicted in every line of it."<sup>3</sup> Dr. Roberts' explanation of the words is certainly ingenious; but it will not, we fancy, commend itself to the unbiassed reader. With reference to the proposition that

<sup>1</sup> Sec. 2.<sup>2</sup> *Ant.*, xx. 11, 2.<sup>3</sup> *Art.* in *Expositor*, vol. vii.



"Greek was then in habitual use by the whole people of the Jews," he says,<sup>1</sup> "the very passage before us, instead of contradicting that conclusion, only serves to illustrate and confirm it, by the statement which it makes, that a knowledge of that language had then extended to the very humblest members of the community."

Unfortunately for Dr. Roberts' conclusion, Josephus does not say that a knowledge of Greek had extended to the humblest ranks of society in Palestine. He refers to a knowledge of "the languages of many nations," not of Greek in particular; so that it would be quite as legitimate to conclude from the words that Latin was in habitual use in Palestine as to deduce from them the constant use of Greek there. In reality, Josephus, in the passage before us, is accounting for his deficiency in Greek; and he explains it by the fact that the Jews had rather a contempt for those who spent their time in learning foreign languages. So that, in contrasting Syro-Chaldaic with Greek, he regards the former as his own tongue, and the latter as a foreign language to be acquired in the ordinary way.

Dr. Roberts makes a point of the fact that many of the places mentioned by Josephus have a double name—one Hebrew, and one Greek; and from this he concludes that the Greek names "were current among the inhabitants, for he (Josephus) preserves, side by side with them, Hebrew names, such as Bethso and Gennath, untranslated.<sup>2</sup> We are not concerned to deny that certain buildings and towns erected by rulers of Greek tastes, such as Herod, were called by Greek names. Neither do we think it unlikely that many places, with Hebrew names, may have come to have Greek names as well. All this is likely enough; and that Josephus, writing in Greek, would, as a rule, choose the Greek, and not the Hebrew name. But we do not see that such a state of things as this, is any indication that Greek was the prevailing language of Palestine.

We have now gone through the material evidence afforded by the writings of Josephus, regarding the language

<sup>1</sup> Page 449.

<sup>2</sup> Page 68.

of Palestine in the time of Christ. To us it seems to show, not indeed that Greek was unknown in Palestine at that time, but that it was not the ordinary language of the people. Greek was evidently known by some, probably by many. But the language of the people was the Syro-Chaldaic. Syro-Chaldaic was the national tongue ; and the medium which a national writer, writing for his countrymen, would naturally adopt.

Hence, of course, we cannot agree with Dr. Roberts when he says:<sup>2</sup> "One plain, and as I humbly think, undeniable fact which we have discovered from Josephus is, that the Greek language was then the common and constant medium of public intercourse in Palestine." Doubtless it was used in Greek circles within the Holy Land ; no doubt, too, it prevailed at Court ; but the evidence tends to show that it was not the language of the mass of the people.

How then does our conclusion affect the language used by Jesus Christ ? Our Saviour was born and brought up among the poor ; He lived among the poor ; His Apostles were chosen mostly from amongst the poor. He taught chiefly among the lower classes ; seldom in presence of the rich and powerful. His ordinary language, therefore—as far as we can see from Josephus—would have been the Syro-Chaldaic of the country. That at times He may have employed Greek, we do not deny ; nor do we question the fact that that was the language used by His Apostles when they went forth into the world to preach. But the evidence of Josephus goes to prove that, when our Lord lived on earth, the language spoken by these among whom He lived—and hence, His own ordinary language—was the debased form of Hebrew known as Syro-Chaldaic.

J. A. HOWLETT, O.S.B.

<sup>1</sup> Page 79.

## CHRONOLOGY OF ST. PATRICK

**T**WO facts only are known for certain from contemporary writers concerning the chronology of St. Patrick. It is certain from a statement made in his *Confession* that he was forty-five years of age, at least, when he passed through Britain whilst he was on his way to preach the Gospel in Ireland. And St. Prosper, of Aquitaine, states in his *Chronicle*, that his predecessor Palladius was consecrated Bishop and was sent to Ireland by Pope St. Celestine, the same year that the Third General Council of the Church assembled at Ephesus. St. Patrick writes in his *Confession* that when he was abiding with his friends and kinsfolk in Britain on the eve of his departure for Ireland some of the seniors strove to withhold him from his arduous undertaking by accusing him of a sin of his youth which he had committed or confessed thirty years before:—

“ And when some certain of my Seniors came  
 Against my toilsome hard episcopate  
 And made impeachment of me for my sins,  
 In that day truly I was tempted sore  
 To fall both now and everlastingly.  
 But the good Lord, for His namesake, did spare  
 His proselyte and pilgrim, so as I  
 Out of that treading-under came not ill  
 With stain and shame upon me. I pray God  
 It be not made occasion to themselves  
 Of sin. They found me after thirty years,  
 To charge me with one word I had confessed  
 Before I was a deacon. In my grief  
 And pain of mind, I to my dearest friend  
 Told what I in my boyhood, in one day,  
 Yea, in one hour, had done :—because as yet  
 I had not strength. I know not, heaven knows,  
 If at that time I yet had fifteen years.”

It is evident from this statement of the saint that he was at least forty-five years of age when he went to Ireland for the second time in order to free the souls of the Irish

people from the slavery of the devil. St. Prosper writes in his *Chronicle* :—

“ Basso and Antioco Coss : More than two hundred bishops having assembled at the Synod of Ephesus, Nestorius, together with the heresy of his name, and with many Pelagians, who upheld a kindred error, was condemned. Palladius is ordained to the Scots believing in Christ by Pope Celestine, and is sent as first Bishop.”

Muirchu Maccu Mactherní, and Tirechan, who are the best and most trustworthy authorities for the words and works of the apostle of Ireland that we possess, give some additional information. Muirchu states that St. Patrick was “ thirty years of age according to the apostle, unto a perfect man, unto the fulness of Christ,” when he left his home in Britain in order to visit the City of St. Peter ; and Tirechan writes :—

“ The Bishop Patrick was sent by Celestine, Bishop and Pope of Rome, to teach the Irish in the thirteenth year of the Emperor Theodosius. And this Celestine was the forty-seventh bishop from the Apostle Peter in the City of Rome. The Bishop Palladius was first sent, and he was also called by a second name Patrick, and he suffered martyrdom amongst the Scots as the ancient saints have declared. The other Patrick was then sent by the Angel of God called Victor and by Pope Celestine in whom all Ireland believed, and he baptized nearly the whole of it.”

The *Leabhar Breac*, which, according to Petrie, “ is the oldest and best Irish MSS. relating to church history now preserved,” states that “ the year when Patrick came to Ireland was 433, in the ninth year of Theodosius, king of the world : the first year of the episcopacy of Sixtus the Coarb of Peter, and the fourth year of the reign of Laeghaire MacNíall at Teamhair.” The thirteenth year of the Emperor Theodosius as Emperor of the East was the year 433, and the ninth year of Theodosius as Emperor of the West was the year 433, so that it is most probable that Tirechan and the *Leabhar Breac*, agree in assigning that year as the date of the arrival of St. Patrick in Ireland. It is possible through means of these few facts to unravel the tangled skein of the chronology of St. Patrick. If then he was at least forty-five years of age in the year 433, when he

went to Ireland, he cannot have arrived at Auxerre whilst he was on his way to Rome and have met the holy Bishop Germanus later than the year 428, since he was thirty years of age when he set out on his pilgrimage to the Apostolic See; and he cannot have arrived there sooner, for St. Germanus did not become Bishop of Auxerre until that year. He, therefore, arrived at Auxerre, and met there the great and illustrious Bishop of that see in the year 418; and as he was at that time, according to the statement of his biographer Muirchu, "thirty years of age unto a perfect man, unto the fulness of Christ," it is evident that the apostle of Ireland was born in the year 388 of the Christian era. St. Patrick was led into bondage and sold as a slave in Ireland in the year 404, since he was sixteen years of age at the time of his capture.

"And 'twas there I suffered capture,  
Then not full sixteen: I knew not of the true God; and led  
away  
Into captivity, with thousands more,  
Was brought to Ireland—fate too well deserved,"<sup>1</sup>

Fiac makes the same statement in his *Metrical Life*:—"At his age of sixteen he was brought under sorrow." The great Ulster monarch, Niall Mor, sailed about that time with a great fleet, as we learn from the ancient Irish Annalists, from "Erin of the harbours," and made a descent first upon Alba, and then upon the undefended coasts of Britain, and carried away captive thousands of the helpless inhabitants: for the Roman soldiers had then forsaken Britain, and most of the warlike British youths had withdrawn with them leaving the hapless dwellers by the sea-coast an easy prey to the savage onslaught of the ruthless Picts and Scots.

The forlorn youth was roughly torn from his native land and sold as a slave in the North of Ireland. Tirechan writes: "One of them bought him whose name was Miluic MacCuboin, a Druid, and he was his slave for seven years with double labour, and he made him a swineherd in

<sup>1</sup> *Confession.*

the mountain valleys of Mount Scirit, near Slieve-Miss." The holy youth, however, remained only six years in slavery, as he makes known in his *Confession* : " I turned myself to flight, leaving the man whom I had served six years ;" and both Muirchu and Fiacc make a like statement. Fiacc writes : " Six years in hard thralldom ;" and Muirchu writes : " He was made captive in the fifteenth year of his age, and he was a slave for six years." He roamed during those six years herding sheep and swine through the dark forest glades and along the craggy slopes of Slieve-Miss, which rose up towards the sky from the valley of the Braid ; and as he watched over the flocks and herds of his pitiless master, he ever trusted in the watchful providence of his Heavenly Father ; and God, who never forsakes those that confide in Him, comforted the sorrow-stricken boy by an angel in a vision of the night, and enabled him to flee from the house of bondage.

St. Patrick was twenty-two years of age when he fled from slavery in Ireland, and returned to his early home in Britain. He abode there peacefully with his kinsfolk for eight years, and then set sail over the southern British sea for Gaul, " being thirty years of age, according to the Apostle unto a perfect man unto the fulness of Christ," and meeting the holy Bishop Germanus at Auxerre he became " his son in Christ and disciple in religion." St. Patrick tarried with St. Germanus " thirty or forty years," according to Muirchu, but he cannot have remained more than fifteen years since he arrived at Auxerre in the year 418, and left it in the year 433, and these Roman numerals of the ancient writers underwent many changes whilst being copied by the various scribes.

St. Patrick arrived in Ireland in the year 433. Tirechan states that St. Patrick came to preach the Gospel in Ireland in the thirteenth year of the Emperor Theodosius ; the *Leabhar Breac* states that he arrived in Ireland in the ninth year of Theodosius, Emperor of the world, and the *Seanchus Mor* also asserts that " Patrick came to Erin to baptize and to sow religion among the Gaedhil in the ninth year of the reign of Laeghaire MacNiall, the King of Erin." The

thirteenth year of the reign of Theodosius as Emperor of the East was A.D. 433, and the ninth year of his reign as Emperor of the West was A.D. 433. "Marcellinus asserts in his chronicle," writes Bévarius, "that Theodosius the younger was made Cæsar in the place of his father and uncle; and the subsequent statement that he flourished from the year 424, means that his father and uncle being dead, he obtained the sole government of the empire."

No proof has ever been given that St. Patrick came to preach the Gospel in Ireland in the year 432; and it seems most improbable that he arrived there so soon after the departure of Palladius from Rome. If St. Prosper chronicles historical events in the order of time, as it is most probable, Palladius did not set out for Ireland before the summer of the year 431, since the Synod of Ephesus did not begin until the end of June of that year, and St. Patrick did not arrive in Ireland until shortly before Easter, as we learn from Muirchu Maccu Mactheni. The long and tedious journey of Palladius by land and sea, over the mountains of Italy, through the plains of Gaul, and across the British and Irish seas, must have taken no little time, and the new year must have well begun before he had become weary of his work, and, disheartened and forsaken by the people for whose conversion he had fruitlessly toiled, had turned his steps homewards, to live once more peacefully under the shadow of St. Peter's, in the capital of the Christian world; and his disciples bringing the news of his death from far-off northern Britain, cannot have reached southern Gaul before the snows of winter had long disappeared from the hills and valleys.

St. Patrick cannot have arrived in Ireland before the Easter of the year 432, for the long and wearisome journey of his predecessor Palladius, his fruitless preaching to the Irish people, and the coming home of his companions, bringing the news of his failure and of his death, cannot have taken place within the short space of six months, and it may then be considered certain that St. Patrick did not arrive in Ireland before the Easter of the year 432, and as he began to preach the Gospel on the great festival of Easter,

his coming to Ireland, bringing the good tidings of Jesus Christ to the heathen inhabitants of that distant island, most probably was, at soonest, in the early part of the year 433. Muirchu Maccu Mactherni, writes as follows :—

“ A suitable time urging, and the divine aid accompanying, he begins his journey to do the work for which he had long been preparing himself, namely, of the Gospel ; and Germanus sent with him a senior, by name Segetius, as a witness to him, for he had not yet been consecrated by the holy Lord Germanus with the episcopal dignity. For it was certain that Palladius, the Archdeacon of Pope Celestine, Bishop of the City of Rome, who then held the Apostolic See, the forty-fifth from St. Peter the Apostle, that this Palladius was ordained and was sent to this island lying under wintry cold in order to convert it. But God did not allow him, since nobody can receive anything from earth unless it has been given to him from heaven ; for these savage and cruel men did not readily accept his teaching, nor was he willing to spend his time in a foreign country, but went back to him who had sent him. When, however he was returning thence, and had crossed the first sea, and begun his land journey, he ended his life on the borders of Britain. And as soon as Patrick and his companions heard of the death of Palladius—for the disciples of Palladius, Augustine, and Benedict and the others returning had made known his death at Ebmoira—they turned out of their way to a certain remarkable man and chief Bishop Amathus by name, who dwelt not far off, and there St. Patrick, knowing the future, received episcopal consecration from the holy Bishop Mathus, Auxilius, and Iserninus, and the others received the inferior orders on the same day on which St. Patrick was ordained. Then blessings having been received, and all things having been done according to custom, and St. Patrick having sung the verse of the Psalmist, ‘ Tu es sacerdos in aeternum secundum ordinem Melchisedeck,’ the venerable traveller went on board the ship made ready for him in the name of the Blessed Trinity, and omitting all unnecessary hindrances, save only the ordinary requisites of life—for no one seeks the Lord slothfully—he with a prosperous wind swiftly gained our coast.”

St. Patrick, as we learn from his *Confession*, abode a short while with his spiritual friends and kinsfolk in Britain before embarking for his perilous apostolic labours in Ireland. There is the utmost doubt about the year when the apostle of Ireland finished his course, and went to receive the reward of his life-long labour for the glory of God. Tirechan



writes: "From the Passion of Christ there are four hundred and thirty (in the margin six or one hundred and eleven) years to the death of Patrick. Loiguire reigned two or five years after the death of Patrick, and the whole length of his reign, as we think, was thirty-six years." As Loiguire died in the year 464, after reigning for thirty-six years, the date of St. Patrick's death, according to Tirechan was the year 462 or 459. It is at least very probable that St. Patrick died before the year 476, because St. Benen, his "heir" and successor in the see of Armagh, according to the ancient Irish Annals, died in that year; and the *Leabhar Breac* asserts that St. Benen died thirteen years after the apostle of Ireland. Fiacc in his metrical *Life of St. Patrick*, as we now have it, states that he toiled for sixty years preaching the Gospel to the Irish:—

"Emer's sons, sons of Erimon, all whom the devil  
Had heretofore shut in his great pit infernal,  
Till came their Apostle—as a swift wind his wending  
Preaching peace from Christ's cross, sixty years, to the Feni."

However, according to many learned writers, "the line as it now stands is wrong in metre, and could not have been written so in the original," and *sixty* seems to have been subsequently substituted by some scribe for *thirty*; and consequently, according to Fiacc, as well as according to the *Leabhar Breac*, St. Patrick finished his long and fruitful life of labour in Ireland in the year 463.

Muirchu Maccu Mactheni states that St. Patrick "ended his whole life of one hundred and twenty years on the 16th day of the kalends of April," and nearly all subsequent writers have made the same statement. Father Morris, the learned biographer of St. Patrick, says: "The authorities for St. Patrick's longevity are overwhelming; indeed we believe that there is not a dissentient voice amongst ancient writers. For the fact that the saint attained the age of one hundred and twenty years, we have the testimony of the *Book of Armagh*, &c.;" but then no proof has been given that these writers are independent witnesses, and that each one did not copy his predecessor and repeat the

assertions of those who wrote before them. "A great many persons," writes Freeman,<sup>1</sup> "seem to think that a fact becomes more certain merely because a great number of writers have recorded it in the same way. They do not stop to think which of these writers had any means of knowledge which were not open to, or were not used by, the earliest on the list, and which simply copied those who went before them." It is not unlikely that the Roman numerals cxx in the manuscript of Muirchu were put there by some scribe who wished to magnify the length of years of the great apostle of his country.

In conclusion, I venture to assert, as at least probable, that St. Patrick was born in the year 388; that he came to preach the Gospel to the Irish in the year 433, when he was 45 years of age; that he laboured for thirty years sowing the seed of the Word of God in this country; and that he died in the year 463, at the age of 75 years.

ALBERT BARRY, C.S.S.R.

## Documents

LEAVES FROM THE ARCHIVES OF THE "PROPAGANDA"  
1693-1699.

EMMO. SIGNOR,

Marco Plunketti Sacerdote Ibernese humilissimo oratore dell' Eminenza vostra havendo più volte supplicato la Sacra Congregatione per un luogo nel Collegio Urbano o altrove ad effetto di sormontare con li studii. della Theologia Dogmatica li difficoltà incontrate nel convincere li heretici delli quali gli è riuscito con la Divina gratia di convertire circa trenta; non ha potuto mai conseguire la gratia per essere tardate le giustificazioni et essendo hora giunte e consegnate all' Eñno Cardinal d' Abda, supplica l' Eminenza vostra di farlo restar consolato. Et Deus etc.

Al Revmo. e Emmo Signor Cardinale COLOREDO,

per

MARCO PLUNKETTI, Sacerdote Ibernese.

9 Maii 1695.

*Detur eleemosina distribuenda per singulos menses, ad sex menses.*

<sup>1</sup> *Methods of Hist. Study.*

EMMO. E REVMO. SIGNORE,

Il Sacerdote Marco Plunchetti Ibernese umilissimo oratore dell' Eminenza vostra costretto a mutar aria per causa d' indispositione e per mancanza della necessaria provvisione, supplica humilmente l'Eminenza Vostra degnarsi interporre li suoi ufficii appresso la Sacra Congregatione di Propaganda Fide accio resti consolato l'Oratore con un viatico per Francia: Che della grazia, &c. Quas Deus, etc.

All' Emmo. e Revmo. Signore,

Il Signor Cardinal COLOREDO,

circa finem 1695

per

MARCO PLUNCHETTI Sacerdote, Ibernese.

*Pro viatico 25 Scuta.*

(Handwriting of Card. Colleredo.)

EMINMI. AC REVM. DOMINI,

Philippus Josephus de Masnuy filius Philippi Ernesti et Helenae de Plunquet, Pronepos Illmi Olivieri Plunquet Archiepiscopi Armacani pro fide Catholica Londini suspensi et divisi anno 1681; finitis propemodum humanioribus studiis, mortuo Patre, Colonello in Belgio in Castris suae Catholicae Majestatis, non potuit ob matris exulantis paupertatem sua studia prosecui, nec habens quo recurrat, humiliter supplicat EE. VV. quatenus ipsum numero Alumnorum vel Clericorum Collegii de Propaganda fide adscribere dignentur, ut majoribus scientiis instructus fidem Catholicam pro qua Majores sui tam gloriose decertarunt, Deo disponente, etiam ipse praedicare valeat et dilatare. Quas Deus &c.

Sacrae Congregationi de Propaganda Fide

pro

PHILIPPO JOSEPHO DE MASNUY ALIAS PLUNQUET.

20 Augusti 1696.

*Dirigatur ad montem Taliscum.*

(Handwriting of Card. Colleredo.)

EMME. AC REVME. DNE,

Fr. Laurentius O'Ferrall, Provinciae Hiberniae Ordinis Praedicatorum humillime exponit Vestrae Eminentiae qualiter post absoluta sua studia ante septennium voluerit redire in patriam ad missionem; verum ad instantiam Emni Dni Cardinalis de Norfolk, pia memoriae fuit a suis superioribus detentus ad docendum cursum Philosophicum, nec non Theologicum in

conventu SS. Joannis et. Pauli de Urbe, modo autem finito utroque cursu, et habita praevia licentia suorum superiorum intendat redire in Patriam, ad inserviendum pauperibus Catholicis suae afflictissimae nationis; Cum autem tam longum et arduum iter (maxime his temporibus calamitosis) non possit orator absque viatico perficere, et alias a supradicto conventu nihil possit sperare; hinc humillime supplicat Vestrae Eminintiae (cui unice in corde est fidem Catholicam per orbem propagare) quatenus ex solita pietate ac charitate ipsi de viatico providere dignetur. Quam Deus &c

Emmis ac Revmis Dominis Sac. Congregationis de Propaganda Fide Cardinalibus

pro

Fri. LAURENTIO O'FERRALL, Missionario hyberno Ordinis Praedmi.

A.D. 1693.

EMMI. ET REVM. DNI.

Exponitur humiliter Eminentissimis Vestris pro parte Guillelmi Fleming Sacerdotis Hiberni Sacrae Theologiae licentiatum et Parochialis Ecclesiae de Moulay in Diocesi Cenomanensi in Gallia a decem annis jam Curati, se animarum zelo ductum velle praedictam Parochiam dimittere, et in Hibernia salutis proximorum incumbere, modo necessariam ad id facultatem haberet. Quare cum Ardfertensis Ecclesiae Cathedra, sive Dioc. Provin. Cassellen. jam a triginta annis omni sit viduata Pastore, nec Capitulum habeat ob temporum calamitates: Hinc supplicat humillime Eminentissimis Vestris quatenus dignentur oratorem instituere Vicarium Apostolicum praedictae Dioc. Ardferten. ut sic liberius et majori cum auctoritate salutis animarum suam operam possit impendere, eo magis quod habeat testimonium Episcopi Cenomanen. de suae vitae probitate, doctrinae sufficientia zelo et capacitate ut habetur in Secretaria Propagandae, et Deus, &c.

Sacrae Congregationi de Propaganda Fide

pro

GUILLELMO FLEMING Sacerdote Hiberno.

A.D. 1693.

EMI. ET REVM. DNI.

Exponit humiliter Eminentissimis Vestris Gulielmus Fleming Presbyter Hibernus in Sacra Theologia licentiatum, nec non Rector Ecclesiae Parochialis Sancti Martini vulgo de Moulay

Diocesis Cenomanensis in Gallia, se zelo animarum ductum velle in Hiberniam suam Patriam redire, et Parochialem suam Ecclesiam supradictam libere et sponte dimittere adhuc ut proximorum saluti operam impendat, quare humillime supplicat Eminentissimis Vestris ut ad tam pium opus alacrius proseguendum dignentur eum instituere Vicarium Apostolicum Dioecesis Ardfertensis Provinciae Cassellen. in Hibernia viduatæ Pastore, nullique in praesentiarum vel in titulum vel in administrationem concessae, donec de Pastore provideatur; exhibet propterea Orator testimonium authenticum Episcopi Cenomanen. et ejus Archidiaconi de illius sufficientia, zelo et idoneitate.

Et Deus, &c.

Sacrae Congregationi DD. Cardinalium de Propaganda Fide  
pro

GULIELMO FLEMING Sacerdote Hiberno.

2 Augusti 1695.

*Habebitur votum in sequenti.*

(Handwriting of Card. Colleredo.)

Sanctiss. Patri ac D. Nostro Summo Pontifici Patri  
Universali omnium Fidelium

#### MEMORIALE

Fratris BERNARDI KENEDY Ord. Eremit. S. P. Augustini, et  
Sacrae Theologiae Doctoris. Sanctissime Pater.

Egressus sum ex Regno Hyberniae saeviente persecutione non ob timorem Persecutoris, sed in favorem Populi; perrexī in Hispaniam, exinde in Lusitaniam, et Galliam, perveni in Italiam ad Pedes Sanctitatis Tuae: obtinui literas Regum, et Principum in levamen Catholicorum; navans operam, ut non extinguatur scintilla Religionis Catholicae in illis regionibus, ad quem finem suppliciter, et humillime precor, et obsecro Tuam Sanctitatem, ut examinentur Testimonia authentica de laboribus meis, et fructibus eorum in propagationem, et propugnationem Fidei Catholicae per plures annos in illis regionibus, ut perinde Sanctitas Tua Benedictionem suam, et missionem Apostolicam, mihi et uni socio meo (qui eodem zelo, et resolutione est affectus) redeundi ad illas partes elargiri dignetur; ut indifferenter inservire valeamus in quacumque Regione Magnae Britanniae juxta angustias temporum, cum persequuntur vos in una Civitate, fugite in aliam: Populus multus est, et valde bonus; Parvuli petierunt panem, et non erat qui frangeret eis; qua gratia

clementer concessa, proponam aliquod remedium malorum multorum, quae evenerunt, (meo videri) salubre, honorificum, et justum universae Ecclesiae; postea pergemus, et semper pro Tua Sanctitate orabimur.

A.D. 1699.

EMINMO. E REVMO. SIGNORE,

Enea Driscoll e Francesco Russell sacerdoti Alunni del Collegio Ibernese di Roma umilmente espongono all' Eminenza Vostra, come havendo terminato in detto Collegio il corso della Filosofia, Theologia e Controversie con haver anco sostenuti gli alti gradi di Filosofia e Theologia, hanno risoluto conforme il loro obbligo di ritornare in Ibernia, e perche manca loro il viatico per un sì lungo e disastroso viaggio hanno dato memoriale a Nostro Signore per ottenere qualche soccorso, e Sua Santità ha rimesso il memoriale alla Sacra Congregatione di Propaganda Fide. Supplicano pertanto gli Oratori l'Emza. Vostra a volergli concederli qualche aiuto per poter mettere in esecuzione il loro proposito, trovandosi senza il necessario viatico, perche il Collegio dove stanno non da loro altro che il vestiario, e conforme l'ordine lasciato nella visita fatta dal Emo. Barbarigo derono ricorrere ai piedi di N. Signore per il viatico. Sperano dall' Eminenza Vostra gli Oratori che saranno esauditi mentre gli Alunni che sono partiti per Ibernia hanno ottenuto da Propaganda il sufficiente viatico, e tanto più lo sperano al presente quanto che essendo cresciute le calamita di quel Regno, non possono ne da Parenti ne da Paesani loro sperare alcun aiuto. Che di tal gratia, &c. Quam Deus, etc.

All' Emo. e Revmo. Signore

Il Sig. Cardinale COLOREDO

per

Enea DRISCOLL, FRANCESCO RUSSELL, Sacerdoti Alunni del Collegio Ibernese di Roma,

15 Septembris, 1699.

*Negative.*

(Handwriting of Card. Colleredo.)

Estratto delle materie, che diferiranno nella Congregatione di Propaganda Fide Preparatoria coram Beatissimo che si terra lunedì prossimo 8 Marzo 1694.

*Ibernia.*

Sig. Cardinal MAIDALCHINO.

All' Arcivescovo di Dublino è stato trasmesso il Pallio colla direttione di riceverlo per le mani, o di Monsre. Armacano, o del

Clogherense, e potendo essere che passi gran tempo senza e' habbia congiuntura di convocare l' uno o l' altro dei suddette Prelati, supplica della gratia di poter essercitar li Pontificali ; con tutte le altre funtioni nella sua Diocesi benche non habbia riceverto il Pallio.

*Detur facultas recipiendi a quocumque alio Episcopo commodiore.*

Estratto delle materie, che dovranno aggiungere a quell non riferite nella Congregatione Generale passata, trasmessoli nel foglio antecedente sopra delle quali si terrà la Congregatione preparatoria coram Beatissimo a di 4 Maggio 1694.

*Ibernia Collegii.*

Il Sig. Cardinal ALBANI.

Il clero secolare d' Ibernia, di Scotia e d'Inghilterra che provano gran penuria d' operarii massime nei presenti tempi rappresentano, che quantunque habbiano diversi collegii, dalli quali potrebbero ritrarne soggetti a sofficienza ; nondimeno non ne riportano il frutto, poiche gl' Alunni, o prima di terminare gli studii, o dopo terminati entrano nella Religione. Per rimedio di questo gravissimo danno supplicano, che agl' Alunni di detti Collegii, Seminarii, o Comunità ovunque si trovino, benche non siano Collegii Pontificii, s'imponga l'obbligo del giuramento come l'hanno i Collegii di Roma, e che non possano entrare in veruna Religione, Congregatione, o Società Regolare senza espressa licenza della Sede Apostolica, o della Congregatione, dichiarando nulle le professione etc.

*Nihil de petita extensione.*

(Handwriting of Card. Colleredo.)

Ristretto delle Materie, che si sono aggiunte al foglio trasmesso per la Congregatione generale passata, e che devono rifirirsi nella prossima intimata per li 22 di Giugno 1694.

*Belgio Ibernia.*

Sig. Cardinal CASANATE.

Il Signor Internuntio di Fiandra accompagna con sue lettere delli Maggio passato un mem : sottoscritto da doi Vescovi d'Ibernia, e dal Dottor Giovanni Sullevane, li quali fanno istanza che si dichiari, e stabilisca, che il Presidente, o Rettore pro tempore del Collegio Ibernese in Lovanio, debba sempre esser graduato in quella Università.

Supposto che nasca si necessaria determinatione il Sullevane offerisce doi mille scudi per la fondatione di due borse o Aluninati.

(Handwriting of Card. Colleredo.)

Estratto delle materie, che si riferiranno nella Congregatione generale de Propaganda Fide coram Santissimo, intimata per martedì prossimo 13 del corrente mese di Lugli 1694.

Il Sig. Cardl. NERLI.

*Anglia Scotia et Ibernia.*

Biferirà l'istanza fatta a Nostro Signore e rimessa alla Congregatione da tenersi alla Sua presenza perche nel concedere il Breve al nuovo Protettore di quei Regni si moderino le facultà per li motivi che senteranno dal Signor Cardinal Ponente.

Havendo la Santità di Nostro Signore, ordinato che si convochi una Congregatione alla Sua presenza per il Martedì 26 del corrente, (Oct. 1694) nella quale si debbano riassumere quelle materie, che non hanno havute esecuzione, con dirne la causa, e se ne portino di nuovo : si è fatto il ristretto dell' une e dell' altre e leggeranno li seguenti Signori Cardinali.

Sig. Card. CASANATE.

*Collegii—Ibernia.*

Porterà l'istanza, che viene proposta con lettere di Mons. Nuntio di Vienna alla Segretaria di Stato, e rimessa alla Congregatione per havere i suoi sensi perche al Presidente del Collegio Ibernese in Anversa sia conferito il primo Canonicato vacante in quella o altra Cattedrale per rimettere in piedi quel Collegio, dicendo Mons. Nuntio che li Collegii non sono o mantenuti o accresiuti, se non per mezzo delle lascite fatte da loro Presidenti in vita o per testamento.

*Habebitur ratio in prima vacatione.*

In Congregatione Propag. Fide

15 Novembris 1694.

Lovanien.

Rector Collegii Hibernorum petit quod de Rectore sit licentiatius Lovanien.

*Negative.*

Ristretto delle materie, che si sono distribuite per la prossima Congregatione de Propaganda Fide per li 5 Ottobre 1694, d'aggiungersi al foglio che si mandò per la passata che non furono riferite.

Il Card. CASANATE.

*Collegii-Ibernia.*



## Notices of Books

JOAN OF ARC. By Lady A. Mabel Kerr. London : Catholic Truth Society, 18, West-square, S.E.

THIS little volume comes at a very opportune time. Catholics naturally desire to know the particulars of the life of one whom more than four hundred years ago a mock ecclesiastical tribunal condemned as a heretic and sorceress, but whom to-day the Father of Christendom, to whom her dying appeal for justice was made, has ranked amongst the blessed. This desire Lady Kerr undertakes to satisfy, and we think she deserves to be congratulated on the success she has achieved in her undertaking, which, judging from the spirit in which the work is written, must have been to her a labour of love. After a brief but vivid sketch of the deplorable state of France in 1428-29, the life of Joan is traced with a loving hand from the happy years of childhood spent at Domreyme through the vicissitudes of her short but brilliant career down to the day that this young maiden of eighteen, offered at the stake in the old market-place of Rouen, the sacrifice of her pure life, a victim to bigotry, ambition, and injustice.

Lady Kerr thinks with Sainte-Beuve, that "the way to do honour to the history of Joan of Arc is to tell the truth as simply as possible." This is the object of her pages, and each succeeding page of the intensely interesting little volume confirms us in the conviction that Lady Kerr never lost sight of her object; and that the object, when attained, is the highest tribute that can be paid to the memory of the "Maid of Orleans." It proves to the honest mind Joan's own contention that "it pleased God to make use of a simple maiden to repulse the enemies of France." For no one can contemplate the difficulties that Joan met and overcame without being convinced that a simple unlettered maiden could not succeed by human means alone. That the superhuman help was from on high, is absolutely proved by the simple recital of the facts of her life.

The little volume teaches a great moral lesson. It shows the absolute dependence of nations as well as individuals on the Providence of God. It points out how futile are the efforts of man when employed against the designs of God. It emphasizes the fact that the weakest instrument in His hands is a power against which the might of nations counts as nothing. We heartily wish it a most wide circulation.

P. M'K.

S. THOMAS AQUINATUS, O.P., DOCTRINA SINCERA DE UNIONE HYPOSTATICA VERBI DEI CUM HUMANITATE AMPLISSIME DECLARATA. Auctore J. B. Terrien, S.J. Parisiis: Sumptibus P. Lethielleux, Editoris, 10, Via dicta Cassette.

THIS is a small book, but beyond question an able one. It is the first publication of the learned author that has come under our notice; but so favourable has been the impression made upon us by it, that we sincerely hope the writer, with his manifestly superior talents, will very soon favour the public with another contribution to some of the great problems of theology.

The author in this volume undertakes the exposition of merely one question—the doctrine of the Hypostatic Union, and the teaching of St. Thomas thereon. So various, however, are the philosophical questions surrounding this great central mystery, that a satisfactory explanation of the Hypostatic Union is impossible without a thorough examination of certain abstruse points in philosophy, upon which the doctrine, or rather an explanation of the doctrine, immediately depends. Hence the first book of this little treatise is devoted to such questions as the distinction between essence and existence, hypostasis, *persona*, &c.

The question as to the distinction between essence and existence is not only extremely abstruse and difficult, but eminently fundamental and far-reaching in every philosophical system. On this question the author is a stout advocate of the real distinctive doctrine; but, unlike many writers on the same side, he not only defends his doctrines intelligibly, but succeeds in giving his readers an insight as to what the doctrine really means. We would strongly recommend our readers who may be anxious to get at the inside of this pre-eminently refined doctrine, to study this little book. They may not agree with its teaching, but they will find, unless we are mistaken, the work of a strong hand, with a style clear, wise, and suggestive almost as that of St. Thomas himself.

LIFE AFTER DEATH. By Rev. John S. Vaughan. London: B. F. Jaslett & Co. Dublin: M. H. Gill & Son.

“THE object of this work is to state in plain and popular speech the reasonableness of certain great truths which lie at the foundation of Christian belief” (Preface).

The work consists of a preface by Canon Moyes, which gives

a very clear account of the relations between reason, revelation, and the Act of Faith; a series of nine articles, and an appendix in which certain difficulties are answered. The main proposition that the articles undertake to establish is that our belief in the immortality of the soul and a future life is reasonable. The greater part of the work tends to show that reason itself, apart from revelation or the teaching of theologians, merely by the aid of science and a study of man himself, can give us reasonable grounds for assenting to the doctrine that a future life awaits us. The arguments which are drawn from a great number of sources, are ably handled, and are clothed in an external dress of great beauty. The author has succeeded in his undertaking to speak "of the most intensely interesting subject in the pleasantest, plainest, and most popular manner at his command." The arguments are throughout enriched with a wealth of happy illustration that, in addition to its intrinsic charm, "has the rare merit of really elucidating the text." There are parts of the work in which we would wish to see greater theological accuracy of expression, and we would be inclined to disagree with Father Vaughan with regard to the argumentative force of some of the arguments, especially of those based on self-consciousness. These little things do not take away from the general utility of the work, and we have great pleasure in recommending it to all.

P. M'K.

PRAELECTIONES DOGMATICAE QUAS IN COLLEGIO DITTON-HALL HABEBAT CHRISTIANUS PESCH, S.J. Tomus II. (I. De Deo Uno secundam naturam; De Deo Trino secundum Personas). Friburgi Brisgoviae: Sumptibus Herder, Typographi Editoris Pontificii.

WE owe the author an apology for having, under pressure of other business, left the receipt of his second volume so long unnoticed. We regret our delay all the more as, from the hasty examination we have been able to make of it, this volume deserves, in our opinion, not only a punctual, but a laudatory review. The portion of theology covered by this volume is pregnant with questions of historical fame, and of great importance. Such questions as the "*Intuitiva Dei visio*," "*Scientia Dei*," "*Praedestinatio*," come up for discussion here. We are safe in saying that the author is throughout satisfactory. Indeed, the subject-matter seems to harmonize well with his natural bent of mind, which is plainly philosophical.

The author is an uncompromizing Molinist. Molinism, however, has found in him a champion of no ordinary ability. He is a man who sees his way, a master of his subject, and not a mere tabulator of other men's opinions. His exposition and defence of Molinism we consider, perhaps, one of the ablest and most complete contributions on the subject we have seen for some time. One may not agree with all his arguments, or with all his conclusions; but it is impossible not to admire the author's learning, versatility, and intellectual acumen.

**LIFE OF ST. KIERAN THE ELDER, OF SEIR.** Edited by  
Rev. D. Mulcahy, P.P., M.R.I.A. Dublin: M. H. Gill  
and Son.

Now that the students of Gaelic literature are daily increasing, the present volume will prove a most acceptable production. After mastering the fundamental difficulties of grammar and pronunciation, it is a matter of first importance to beginners to secure an interesting and instructive text-book, which will render them familiar with some of the beauties of the language. Father Mulcahy has provided such a hand-book. He has selected for his subject the story of St. Kieran's life and labours, thus bringing us back to the dawn of Christianity in Ireland, and to the state of the country before it received the true faith. No pains are spared to make matters easy for the reader. The more difficult passages are explained in a series of notes, while a copious vocabulary supplies any words with which the student is likely to be unacquainted. All who would advance in the study of Irish should procure a copy of this little work.

D. O'C.

# THE IRISH ECCLESIASTICAL RECORD

SEPTEMBER, 1895

## DR. HEALY'S HISTORY OF MAYNOOTH<sup>1</sup>

ONE hundred years ago, Maynooth was the name of a petty village that reposed in the shadow of the Castle of the Geraldines; to-day it is the popular designation of a College of stately dimensions and acknowledged influence whose Centenary festival brought together, towards the close of last June, perhaps the most notable ecclesiastical gathering that ever assembled in Catholic Ireland. Those who were present on that occasion will not soon forget the part which the Coadjutor-Bishop of Clonfert contributed to the proceedings. His oration in the *Aula Maxima* was a brilliant display of literary power, and expounded to an enraptured audience the chief factors in the progress of the College from 1795, when it was founded, to 1895, when it had attained the proportions of a "fair academic city," and "could reckon about two thousand children who preach the good tidings of salvation chiefly at home, but many of them also in all English-speaking lands." Dr. Healy was in a position to speak with authority on the subject, for he had just completed the *Centenary History of Maynooth College*, which has now for some time been in the hands of the public. It is in many respects a remarkable book. The publishers have proved that Catholic Irishmen at home are not so devoid of enterprise as is sometimes represented, for they have turned out a work which in its binding, letterpress, and illustrations, may challenge comparison with any

<sup>1</sup> *Maynooth College; its Centenary History, 1795-1895.* By Most Rev. Dr. Healy, Coadjutor Bishop of Clonfert. 770 and xxiv. pages demy 4to. Dublin: Browne and Nolan, Ltd.

similar artistic product of England or America. It was written during the brief period of eight months. So the author tells us in his preface :—

“ We have been asked by the Bishops of Ireland to narrate that story ; and for us the task, though by no means an easy one, has been a labour of love. But the time allowed was altogether too short ; and although we spared no pains to do the best we could in the eight months available for the composition of this work, we think it right to apologize beforehand for the inaccuracies and omissions which in such circumstances were, humanly speaking, unavoidable.”

The composition of the work required the patient examination of manuscript, journals, calendars, the Reports of the Maynooth Commissions, and other sources. And yet we have before us a quarto volume of 770 pages, which is not a mere collection of facts, but an orderly narrative, glowing with life and sympathy, flowing on with crystal clearness from beginning to end, stately without being stiff, and serious with some admixture of that genial wit which charmed those who listened to the Centenary oration. In such hurried work it was, indeed, impossible to avoid all defects. There are, for instance, unnecessary repetitions, and paragraphs which, though interesting, must be regarded as digressions. The index is incomplete, and there are a few contradictory dates which should not have escaped the notice of those charged with the reading of the proofs. Had the author had more time, he would probably have written a more portable volume, but even taking the most critical view of his work, it must be acknowledged a *magnum opus* which will enhance the reputation of the author of *Ireland's Ancient Schools and Scholars*, and secure for his name an honoured place in the history of English Catholic literature. The recent celebration at Maynooth would be sadly incomplete without the publication of her *Centenary History*, and it must be regarded as an auspicious coincidence that in the hundredth year of her existence one of her own children had grown up to be a lusty knight of the pen, whose enthusiasm and genius made him equal to this task.

During his career as a student, and afterwards as Professor of Theology in Maynooth, Dr. Healy had an

opportunity of becoming acquainted with the inner life of the College. His partiality for his *Alma Mater* has not blinded him to her defects, and while telling the story of her progress, and giving their due share of credit to the men who laboured in her service, he has not failed to notice the weak points of the Maynooth system, or tried to hide those evidences of our common frailty which sometimes assert themselves in the working of an ecclesiastical college. Some of his chapters on the internal history of the College will have little interest for any save Maynooth men; but those chapters which deal with the external history of the College in its relations to politics and society, his memoirs of distinguished *alumni*, his estimate of the methods of the Government in its dealings with Maynooth, his criticism of Maynooth teaching, and his general views on education, are broad enough to claim the attention of all educated Catholics. Not by any means the least readable portion of the book is contained in the three introductory chapters, which give in brief the history of ecclesiastical education in Ireland from its earliest phases to the founding of Maynooth.

In the first chapter the author draws on his well-known work, *Ireland's Ancient Schools and Scholars*, and briefly reviews the state of learning in Ireland during the Celtic, Danish, and Anglo-Norman periods. He proves from the testimony of foreign writers that during the first three centuries of our Christian history, the monastic schools of Ireland were the "light and glory of the West." This is his graphic summary of the characteristics of the Celtic period:—

"During this period there was no such thing as regular endowments and collegiate buildings on an imposing scale. Both masters and students are called 'saints' in our old books, and although not always faultless, they deserved the name. It was a period of high thinking, but of poor living. The students lived on their wits; one of them, like Ciaran, would bring a cow to the College, which was milked for the common good; another would procure a sack of oats, sometimes from his friends, sometimes by purchase, sometimes by questing from the good people round about. And then they fished in the river, or gathered fruit, or snared wild game. But flesh meat of every kind was a rarity amongst them. Their ordinary food was bread or stirabout with milk, and sometimes a little butter . . . as for lodging, they were

easily accommodated. When a new pupil came, he chose a suitable spot on the Esker or meadow near his master's oratory and cell. There, with the assistance of his fellow-students, he built his little sheeling of wood or sods or stones according to the supply of either material at hand; then gathering a heap of rushes, or dried ferns, he spread a skin or rug over them, and slept far sounder than people do now on the luxurious couches of their palaces. When the scholar had mastered all that one professor could teach him, instead of going to another class-hall, he sought some other master, and lived exactly as he had done before, but always in pursuit of higher sanctity and deeper wisdom."

With the invasion of the Danes came the first decline of learning in the ancient schools of Ireland. It was, according to Dr. Healy, during this period that the round towers were built as places of refuge and watch-towers, "under whose protecting shadow both masters and pupils were enabled once more to pursue with comparative safety during the tenth and eleventh centuries their old beloved studies."

Towards the close of this period, in 1169 A.D., Roderick O'Connor and the Primate Gelasius made an effort to establish for the first time in Ireland a *studium generale*, or university at Armagh. "But a few years later, De Courcy, De Burgo, and De Lacy swooped down in the North, and amid the blackness of its desolated schools, they extinguished the lamp of Celtic learning in the blood of the slaughtered scholars of Armagh." Although the Anglo-Norman period was unfavourable to the education of the clergy, it was not without its own learning. Dr. Healy calls it the period of the New Monastic Schools. Those were the schools attached to the convents of the Mendicant Orders. The documents illustrating the literary history of those times are very meagre, and the author has a difficulty in understanding how the secular clergy were trained for the mission in the remote districts. One thing, however, is clear, and that we owe to the Mendicant Orders, namely, the Dominicans, Franciscans, Augustinians, and Carmelites, the salvation of ecclesiastical learning in Ireland during this bloody period.

The second chapter is a vivid sketch of the heroic efforts made at home in the cause of ecclesiastical education during the period of the penal laws. Those efforts might, in spite of the law, keep alive by means of the "hedge school,"



classical lore ; but they could not provide for the philosophical or theological training of the clergy.

The third chapter tells how the Irish youths crossed the seas, and how colleges were founded to receive them in Spain, Flanders, France, and Rome, from which they returned to labour in secret among their countrymen. It is a chapter which no Irishman can read without emotion. The law not only banned education at home, but forbade Irishmen to seek it abroad.

" A common way [writes Dr. Healy] of evading the law was to take shipping as an apprentice or merchant's clerk, going to look after his employer's business in some foreign port. If closely questioned, the youth produced his 'letters patent' addressed to some merchant of Seville, Cadiz, or Lisbon, or it might be of Rouen, Nantes, or Bordeaux, commending the bearer to the foreign house as the representative of his Irish master in Dublin, Cork, Galway, or Waterford. Another plan, for the hardy lads from the sea-board, was to ship as sailors and work their passage across. More commonly still, the student or newly-ordained priest,<sup>1</sup> was run across in a smuggler or in a fishing-hooker from some of the many creeks on the southern or western coasts. They slipped out generally after dusk, and next morning were far from the sight of land."

It were useless, however, for those brave youths to cross the sea if there were no friends abroad to meet them, for they were ignorant of foreign languages and generally without money. The Jesuit fathers at this critical time came to the rescue of those arriving in Spanish ports, and provided them not only with shelter and support, but also with the means of completing their ecclesiastical studies. The Irish Colleges of Salamanca<sup>2</sup> and Lisbon were founded in 1593 A.D. for those Irish refugees by two Jesuits, Father Thomas Whyte and Father John Howling, and were liberally endowed by the King of Spain, who treated those exiled students with a truly royal generosity. There were also Irish Colleges founded at Seville, Madrid, Alcala, and Santiago. What the Jesuits did in Spain, the Mendicant Orders accomplished in Flanders. St. Anthony's of Louvain was founded by Philip III. in 1606 A.D., at the instigation of a distinguished Franciscan, Florence Conroy, who afterwards became

<sup>1</sup> See Parliamentary Paper, page 775.

<sup>2</sup> The author states that Salamanca was opened in 1592, or in the beginning of 1593.

Archbishop of Tuam. At a somewhat later period, the Dominicans established another school for Irish students in Louvain. Besides those two famous schools, there was also in Louvain the *Collegium Pastorale Hibernorum*, which enjoyed an annual grant from the Propaganda.

"Belgium," writes Dr. Healy, "did much for Ireland during the years of persecution; but France did still more, especially during the greater part of the eighteenth century. It is certain that about three-fourths of the priests who laboured in the Irish Mission came from colleges in France, and especially from the Irish Colleges of Paris." How much all those colleges did for Ireland, including two in Rome, the Franciscan Convent of St. Isidore, and the Dominican Convent of St. Clement, to which, according to the author, "Ireland is almost as much indebted as to any of the continental colleges," may be best gathered from the subjoined Parliamentary Paper which was issued in 1808. It is an official return of the number of students, of free places, and of the staff in the various Irish colleges on the Continent before the French Revolution, and was supplied to the Government in support of the claim of the Maynooth Trustees to a grant for at least four hundred students.

STATE OF THE ESTABLISHMENTS ON THE CONTINENT FOR  
THE EDUCATION OF IRISH CATHOLIC CLERGYMEN, PRE-  
VIOUS TO THE FRENCH REVOLUTION.

				Masters. Scholars.	
In Paris, Collège des Lombards	...		...	4	100
„ Paris Community, Rue Cheval Vert	...		...	3	80
„ Nantz	...	...	...	3	80
„ Bordeaux	...	...	...	3	40
„ Douay	...	...	...	2	30
„ Toulouse	...	...	...	1	10
„ Lisle	...	...	...	1	8
Total in France				17	348
In Louvain	...	...	...	2	40
„ Antwerp	...	...	...	2	30
„ Salamanca	...	...	...	2	32
„ Rome	...	...	...	2	16
„ Lisbon	...	...	...	2	12
Total on the Continent				27	478

"The scholars generally went to the public schools or universities, otherwise the number of masters would have been at least double.

"The whole number of scholars in the colleges of the Lombards, Nantz, Douay, Antwerp, and twenty in Bordeaux, received priests' orders before they went abroad, and by the exercise of their functions were enabled to support themselves during the course of their studies. In the community at Paris, there were foundations made by various persons for about sixty scholars. In Toulouse twelve; in Bordeaux twenty were defrayed by pensions from the King of France; in Salamanca thirty-two by the King of Spain; in Rome sixteen; in Lisbon twelve; in Louvain twenty, by foundations of different persons.

" Of the whole number there were supported				
by foundations	...	...	...	166

" And by the exercise of their functions as				
Priests	...	...	...	260

" Total who may be considered as receiving				
gratuitous support	...	...	...	426

" (True copies)

C. W. FLINT.

" IRISH OFFICE, April 5th, 1808."

#### MAYNOOTH.

The Revolution drove the students and their masters from the Irish Colleges in France. The remaining colleges on the Continent were utterly insufficient to supply priests for the Irish Mission. Where now was Ireland to turn for her "soggarth aroon." It is a beautiful illustration of the Providence which has ever watched over the Irish Church, that in this the darkest hour of her trial, God was pleased to raise up a college on her own soil which has grown apace with the needs of the Irish Mission.

In the fourth chapter of his book Dr. Healy describes the various motives and efforts that led to the foundation of Maynooth. The relations of the English Government to Maynooth, as shown in this and other parts of Dr. Healy's book, are a part of their recent general policy towards Ireland—a niggardly policy of unwilling concession relieved by the generosity of individual statesmen. The principal of those are Edmund Burke and Fitzwilliam, who helped to found the College; Peel, who in 1845 introduced the Bill for the increased grant; and Gladstone, who secured to the College,

after its disendowment, a most generous compensation. The foundation of the College as a Government measure was not the recognition of a just claim, but a selfish expedient, designed to meet a political embarrassment. The success of the American Revolution, the fear of a French invasion, and the danger of an alliance at home between the Catholics and the united Irishmen, were the combined motives that first induced the Government to relax the penal laws. The necessity of conciliating the popular sentiment in Ireland so far worked on Pitt, that in 1795, he sent over Earl Fitzwilliam with large powers to settle the Catholic question. Whether this noble statesman exceeded his instructions, or that Pitt repented, is, it appears, uncertain ; but anyhow Fitzwilliam was almost immediately recalled, and the darkness of despair succeeded the hope which his mission had inspired in the hearts of Irish Catholics. The Bill for the establishment of a college for the education of the Catholic Clergy had been drafted under Fitzwilliam's direction. On the 14th January, 1794, Dr. Troy presented a Memorial to the Lord Lieutenant on behalf of the Irish Bishops, soliciting his Excellency to procure for them " the Royal license for the endowment of academies for educating and preparing young persons to discharge the duties of Roman Catholic clergymen in this kingdom under ecclesiastical superiors of their own communion." Although the immediate formal reply to this memorial was unfavourable, Fitzwilliam had received instructions which included power to deal with this particular question, and his successor, Lord Camden, was directed, or at least encouraged, to have Fitzwilliam's draft measure presented to the Irish Parliament. It met with no serious opposition during its passage through both Irish Houses, and received the Royal assent on the 5th June, 1795, under the title " An Act for the better education of persons professing the Popish or Roman Catholic Religion." This measure provided that a sum of money not exceeding £8,000 (Irish currency) should be paid for that year to the Trustees named in the Act towards the foundation of a Catholic Academy. During the long preliminary negotiations between the Bishops and the Government, the former

were most ably and zealously assisted by Edmund Burke and Dr. Hussey, who became the first President of Maynooth. Burke warned them against the danger of giving Government officials any control over a Catholic College. "If you consent [he said to them] to put your clerical education, or any other part of your education under their direction or control, then you will have sold your religion for their money." Care was accordingly taken that the few Protestants among the Trustees of the new College should not have authority to interfere in matters concerning the discipline and doctrine of the Catholic Church. After the passing of the Act, the Trustees lost no time in carrying out its provisions. William Robert, second Duke of Leinster, and twenty-first Earl of Kildare, whom Dr. Healy lauds as "the popular and truly patriotic son of a popular and patriotic father," offered them a lease of land on terms which were too liberal to be refused. Whatever may be said about the salubrious character of the "bosky glades" in which Maynooth College is hidden, the site chosen by the original Trustees cannot be denied the prestige of history. The old Geraldine keep which guards the entrance gate to the College was built as far back as 1240 A.D. To its history Dr. Healy devotes several pages. The tower of the Protestant church, which strangely intrudes itself into the College grounds, is all that now remains of the old Catholic chapel of St. Mary of Maynooth. The yew tree in the front lawn is another link with the past.

"It is an old tradition [writes the author] that Silken Thomas on the last evening that he ever spent in the Castle, when the fortunes of his house were growing dark as the gathering gloom sat beneath its spreading branches which had sheltered so many generations of the Geraldines, and there, with his heart full of sad forebodings for the future, he played on the harp that he loved for the last time in the home of his fathers."

No doubt those many historical associations have a stimulating effect on Maynooth students, but it is nevertheless regarded as regrettable that from the "variety of proposals which were received" offering sites, the first trustees did not choose one favoured with a more bracing atmosphere, and

more attractive surroundings. The possession of a house occupied by a Mr. Stoyte, steward to the Duke of Leinster, and now known as the "front house," was acquired by the trustees in the July of 1795. This was the nucleus of the present College. The grounds, which are about eighty acres in extent, include two holdings; the Leinster holding, comprising about fifty-eight acres, and what may be called the Riverstown holding, which contains twenty-three acres. The Duke of Leinster gave the original trustees a lease of the former at a rent of £72 a year (Irish), which Dr. Healy considers to have been about one-third its value at the time. The latter was purchased in 1802, for £1,000, subject to the annual rent of £140 7s. (Irish), and is now almost identical with the grounds of the Junior House. During the first twelve years of its existence the infant College was left to live and thrive on £8,000 a year. In 1808 the annual grant was increased to £13,000, but it was reduced next year to £9,250.

There was no further increase until 1845, when Sir Robert Peel carried a bill through Parliament which, from a material point of view, was the making of Maynooth. This bill met with fierce opposition both inside and outside the Houses of Parliament. Dr. Healy, while recognising the claims of Pitt and some of his colleagues to our gratitude, says: "We do not care to scrutinize all their motives too closely." The motives it would seem bear some analogy to those which induced Pitt to encourage the establishment of the College. "The Government of Peel," says the author, "felt it was absolutely necessary to do something to conciliate Ireland; because in the words of Lord John Russell, Ireland was not 'governed,' but 'occupied' like a conquered country. One of the things Sir Robert resolved to do was to increase the Maynooth Grant, in spite of the loud murmurs of some of his supporters." Here again we see the hand of Providence coming to the assistance of the Irish Church in another dark hour of need. The Catholic population was now double what it was in 1795. In a memorial presented to the Lord Lieutenant, on the part of the trustees, in 1844, it is stated that: "Notwithstanding the parsimonious

curtailment of expenditure, as appears from the decayed state of the College buildings, and the total want of accommodation and convenience through the establishment, yet not one-half the number of priests required for the mission in Ireland is educated in Maynooth, and the *education of that number is exceedingly abridged*." The years of famine were near at hand. It would be impossible, humanly speaking, for the College to continue its work during those dreadful years, if left to subsist on the old grant.

The following is the distribution of the Peel grant ordered by the Act of 1845, and taken from Dr. Healy's book :—

"I. A sum not exceeding £6,000 was set apart for the salaries, commons, attendance, and other necessities of the President, Vice-President, Officers, and Professors of the said College; and it was deemed expedient that the number should be increased.

"II. Provision was made for the maintenance of five hundred free students—two hundred and fifty in the three (afterwards four) senior classes, and two hundred and fifty in the four junior classes. The senior classes comprehended all the Divinity Students. The annual allowance for the maintenance of each was fixed at £28 per annum, payable to the trustees.

"III. The Dunboyne students, twenty in number, were to receive from the Government grant £40 a year as a salary, besides £28 pounds a year allowed for their maintenance, on condition, however, that the annual revenue arising from the bequest of Lord Dunboyne should be applied to the exclusive use of the said twenty students on the Dunboyne establishment. This gave them about £25 a year more, so that besides maintenance, they each received a salary of about £65 a year.

"IV. The two hundred and fifty students in the Divinity classes were allowed, in addition to their maintenance, as above provided for, a salary of £20 a year each. Thus the entire annual grant would amount to—

Staff <sup>1</sup>	- - - - -	£6,000
Students—520 at £28 for maintenance		14,560
„ 250 at £20 each, salary		5,000
„ Dunboyne 20 at £40 each		800
		<hr/>
		£26,360

<sup>1</sup> Salaries of Staff were fixed as follows:—President, £594 12s.; Vice-President, £326 12s. 8d.; Prefect of the Dunboyne, and Librarian, £308 12s. 6d.; Bursar, Senior Dean, and Six Senior Professors, £264 12s. 8d.; Three Junior Deans, and Six Junior Professors, £241 12s. 8d.; Secretary

The next material change in the history of the College was wrought by Gladstone's Irish Church Act of 1869. The disestablishment of the Protestant Church in Ireland involved the disendowment of Maynooth. But still Maynooth owes no small debt of gratitude to the great statesman who seems in his treatment of Ireland to have risen far above the common level of English policy. His Act provided that a capital sum equal to fourteen times the amount of the annual grant should be paid to the Trustees of the College. "The 'capital sum' received from the treasury was £369,040, a sum which, if it could be securely invested at  $3\frac{1}{2}$  per cent., would produce nearly half the original grant per annum."

But that is a sad falling off, and the College is still suffering from the poverty which her release from Government control entailed. The salaries of the masters were reduced, after the disendowment, by more than a third, and have not since been raised. The number of free places on the public foundation fell from 500 to 166 $\frac{2}{3}$ . The Dunboyne salaries, and the annual allowance to the Divinity students were withdrawn. But here, again, during its latter history we encounter the same protecting Providence that has watched over the College from its foundation. Although still poor, its financial condition is now considerably better than it was in 1871, its material aspect is more complete, and certainly its efficiency is more than maintained. By a wise economy, the number of free places on the public foundation has been increased to three hundred. Not a few burses have been established by the generosity of private individuals, whose names are given in one of the appendices to Dr. Healy's book. The Dunboyne was re-established in 1879 with provision, indeed, for a much-diminished yearly

to the Trustees, £150. Besides this fixed annual grant, a further grant of £30,000 was made for the purpose of erecting new buildings, and the Trustees of the College, and their successors for ever were constituted, for the first time, one body politic and corporate, by the name of the Trustees of the College of Maynooth, with a common seal and perpetual succession. This sum was expended in building the grand quadrangle designed by Pugin, and known as St. Patrick's. The contrast between this portion of the College, and the old buildings illustrate the vast benefit conferred on Maynooth by the Peel grant,



allowance to only ten students, but yet under conditions which make it a great benefit to the Irish Church. Chairs of Modern Languages and of Gregorian Chant have been established. A College Chapel, worthy of our National College, has been erected, and requires only a tower and spire to complete the grace and symmetry of its proportions. A son of Maynooth, Right Rev. Monsignor MacMahon, has supplied a great want in giving the College an *Aula Maxima*, which promises, through the facility it gives for public lectures, to become the means of elevating and modernizing the tone of thought in Maynooth. The appointment of spiritual fathers in 1866, whose sole duties regard the spiritual training of the student, is another, and by no means the least, of the many improvements which the Trustees have been able to introduce since 1871. But, while fully appreciating those evidences of progress, Dr. Healy wisely takes care not to conceal the many wants under which the College still labours. At present there is only one professor in charge of Mathematics and Natural Science. Dr. Healy thinks there might be two, and he entertains the same view about the teaching of ancient classics, which is also the business of only one chair. His reasons for those opinions seem theoretically unanswerable. It comes fairly within the mission of Maynooth to turn out not only good sound theologians, but also specialists in some other departments of learning. The needs of the Church at the present day cannot all be fully met by the average ecclesiastical training afforded by the Maynooth course. Specialists in Classics and Science, for instance, are required to discharge efficiently the duties of teaching the higher classes in the seminaries. Let Dr. Healy himself speak. Referring to the Maynooth statutes, he says in page 522:—

“One of these should never be forgotten—that, in making choice of the Professors and Superiors of Seminaries, the Bishops ought to select the very best man at their disposal. Yet, whilst special training is deemed necessary for successfully discharging the office of teacher, even in a primary school, no technical training of any kind is considered necessary to discharge the functions of a professor in our ecclesiastical seminaries. As a natural consequence, the work is often indifferently done; and it

usually happens, also, that when the professor, by long experience, has come to be a master of his art, he is then transferred to other duties. Seminaries governed on such principles can never become very successful. It is evident, therefore, that some special training is necessary for the Maynooth students who are about to become professors in seminaries; especially in Science and Classics. It is not for us to suggest what means are most efficient to carry out this very desirable object. Men of eminence in these departments might be brought to the College from time to time to direct the studies of a special class on the Dunboyne or of other senior students in science and classical literature. Failing such provision, if the College staff were enlarged, the professors of the house might be fairly expected to do the same work. But one thing appears clear—that it is an urgent want, and calls for the earnest attention of the rulers of the College.”

But what can the rulers of the College do when its resources are barely adequate to the expenditure necessary to maintain it in its present condition? Dr. Healy himself recognises this difficulty, and “ventures to hope that when the needs of the College in these respects are known, Providence will inspire some generous benefactors to provide the necessary means” of carrying out these and other desirable improvements. Dr. Healy calls attention to another defect which, in the opinion of many, is more lamentable than the one referred to above. “The College,” he writes, “will never, in our opinion, be fully equipped until there is a special professor of Oriental Languages and Biblical Greek, who will be qualified to deal in a thoroughly scientific manner with the latest controversies regarding the sacred volumes, in all their aspects.” The lines of attack on the Catholic system have changed very much within the last quarter of a century. The war with Protestantism is practically over, and Dr. Murray's *Tractatus de Ecclesia* is an honourable evidence of the part which Maynooth took in the contest. But the din of a fierce struggle is already in the air. Agnosticism, arrayed in the glory of a literary garb, has challenged the whole Christian economy, and the brunt of its defence must be sustained by the Catholic Church. It behoves Maynooth to look out from the highest pinnacle among her lordly towers, to look far beyond the peaceful plains of Meath and Kildare, and keep a steady watch of

the movements and aims of this dangerous foe. Protestantism more than revered the Bible; it is the chief aim of the new gospel to discredit its authority. Controversies regarding the interpretation of particular texts are, of course, important, and make work enough for the Professor of Sacred Scripture; but the questions raised by the rationalists are more fundamental, and their study not only demands a knowledge of Eastern languages, records, and customs, but an intimate acquaintance with the vast subject of geology.

Dr. Healy points out other wants which are too well known to need being advertized. A large proportion of the students have to pay an annual pension, which, with the expenses of books, clothes, and travelling, make it very difficult for many excellent aspirants to the priesthood to realize the fond dream of an Irish mother's ambition. But, looking back on the history of Maynooth, one cannot help feeling that the Providence which has so visibly guarded her interests during the last century will not leave her unprepared for the work of the future. The want of money will not be allowed to retard the progress of an institution that outlived a half century of poverty, and has survived the withdrawal of the Peel grant. Maynooth is a national college, which has taken too deep root in the kindly Irish soil, to be alarmed for the future. The most cursory perusal of Dr. Healy's seasonable book must convince any unprejudiced reader of the priceless services it has rendered Ireland. Maynooth was only a few years established when her voice was raised against the insidious proposal known as the "veto." It was raised again in 1820, when the country was reduced to a most deplorable state.

"It was not merely [writes Dr. Healy] that Orangeism was rampant; that Catholics were excluded from seats in Parliament, and from all offices of trust and emolument. A system of education designed to proselytize the Catholic youth, was in full operation. . . . The tithes were enacted with the utmost vigour. Even O'Connell lost heart in 1819, and earnestly asked 'What is to be done?' . . . It was a voice from Maynooth that first spoke in such terms of hope and courage as kindled a new spirit, and sent a thrill of life and joy throughout the entire country. The first *Letter of Hierophilos* is dated 'Maynooth College, January 29, 1820,' and that day marks the dawning of a new era."

Of these hitherto educated in Maynooth, not less than one hundred have become bishops, all of whom except about fifteen, have devoted their lives to the service of the Irish people. Dr. Healy complains in some place of the loss sustained by the College in the promotion of professors to the episcopacy. We suppose it is his modesty that keeps him from losing sight of this misfortune in the gain accruing to the Irish Church, and the possible compensation arising from the occasional infusion of young blood into the Maynooth staff. The efficiency and devotedness of Maynooth priests has never been questioned except by the enemies of Ireland. 1845 was a test year.

"Of the Irish secular clergy [says Dr. Healy] ministering during the famine years, more than twelve hundred had been educated in Maynooth. It may be stated, with perfect truth, and it is capable of the most satisfactory proof, that when the hour of trial came, not a single man amongst them ever abandoned his post of duty, or failed to administer the Sacrament to his starving and plague-stricken flock, by day or night, in face of every form of danger, the most hideous and the most revolting that could appeal to the human heart."

Had the bishops, in 1795, got four provincial colleges instead of one national academy, as some of them requested, or had the "spoils" been "divided," in 1870, as some, it is said, proposed—in the one case, Ireland had never seen a Maynooth; in the other, she had lost the proudest monument of her national genius.

The safeguard of Maynooth, under Heaven, lies in her genuine nationality. Her governing board comprises the whole Irish hierarchy, than whom no more enlightened or zealous rulers were ever charged with the destinies of a national Church. Her teaching body are usually recruited from the most brilliant of her own children, and those represent the talent and Catholic loyalty of Ulster, Leinster, Munster, and Connaught.

If she is now cut off from Government support, she is also released from the vexatious interference of an alien Parliament, and is as free as she is willing to shape her system according to Irish ideas, subject, of course, to the authority of the Holy See. Even with the many drawbacks

that Dr. Healy enumerates, Maynooth enters on the second century of her existence radiant with hope. She has only just bade farewell to a messenger who brought her "wine from the Royal Pope." Her fortunes are not bound up with the interests of a diocese or even a province, but are inseparable from those of a nation which, though long oppressed, has never been conquered. Her halls are now more thronged than they were when she enjoyed the liberal patronage of the English Government. She has already almost outgrown the natural limits of her mission, since, for many years past, an annual overflow of her *alumni* have gone abroad "to give sight to the blind and deliverance to the captives." To the merits of those modern Irish missionaries, the representatives of England, Scotland, America, and the Colonies, bore official testimony at the recent Centenary Celebration of the College. The records of a century, which Dr. Healy has gathered together in his imperishable book, will afford her a new source of strength since they cannot fail to exercise a stimulating influence on the staff and students of the present and of the future. His memoirs of Delahogue, M'Hale, Renehan, Callan, Dixon, Russell, O'Reilly, O'Hanlon, and Murray, not to mention those of distinguished living *alumni*, and of many others passed away whose writings live to praise them—ought to teach the younger generation of Maynooth men something of the traditional prestige which they are called upon to sustain. If we have read them aright, they indicate only one way of discharging this grave responsibility, namely, by quiet patient toil and sanctity. Were not those also the methods of the Celtic period which produced Erigena, Virgilius, Dicuil, Dungal, Adamnam, and Columbanus? Through her long day of trial the genius of Erin has not changed. Let us hope that the time is not far distant when religion and learning, which are again permitted to abide together amongst us in peace and love, will be provided with a home large enough to receive not only ecclesiastics, but all classes of Catholic Erin's scholars.

T. P. GILMARTIN.

## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### VIII.—BEQUESTS IN FAVOUR OF NUNS AND CONVENTS— (concluded)

OF the two remaining cases, illustrative of this branch of our general subject, one came before the Vice-Chancellor (Chatterton) and was finally decided in the Court of Appeal; the other came before the Master of the Rolls (Porter), and was finally decided in his Court. In each case, the bequest was impugned on the ground that it was an attempt to create a perpetuity for a non-charitable purpose. But, in both cases, the bequests were upheld as valid.

These cases, the 9th and 10th on our list, were the following:—

9. *Re Wilkinson's Trusts*.<sup>1</sup> In this case, there was a bequest of £1,000 to Mrs. S. A. Spain, Superioress of the Convent of Mercy at Kilkee, or to such person as might be Superioress of that Convent at the time of the testator's death,—

“To and for the purposes solely of said Convent.”

The executor, understanding—probably in view of the Vice-Chancellor's decision in *Morrow v. McConville*,<sup>2</sup>—that the validity of the bequest was open to some question, paid the money into Court, having first deducted the legacy duty and costs. The sum thus lodged was £892. The Superioress of the Convent presented a petition to have it paid out to her.

In November, 1886, this petition for the payment of the money to the Superioress came before the Vice-Chancellor, who dismissed it, holding that the bequest was altogether void. A bequest in favour of a Convent could not be upheld unless one or other of two points was secured. Either

<sup>1</sup> 19 L. R. Ir. 531.

<sup>2</sup> See I. E. RECORD, August, 1895, pages 696-699.

the bequest should be legally charitable, or it should stand clear of conflict with the legal rule against perpetuities. In this case, the Vice-Chancellor considered that neither point was secured.

First, he said, the bequest was not a charitable bequest:—

“There is no charitable purpose disclosed by the will.

“It is no answer to this to say that the purposes of the Convent . . . may enable the community to apply the legacy to charitable purposes . . . The principal purposes of the Convent may be purely charitable; but there must necessarily be other purposes of the Convent which are not purely charitable, and to which the money might, under the terms of the will, be applied.

“The case of *Morrow v. McConville*<sup>1</sup> was decided by me on the same grounds, and cannot be properly distinguished from the present case.”<sup>2</sup>

Then, the Vice-Chancellor considered, the bequest was in the nature of a perpetuity. It was a bequest in favour of “the Convent:” such a bequest could not, he said, be regarded as a gift to the community as existing at the time of the testator’s death, or at any other particular time: it was in the nature of a perpetuity,<sup>3</sup> and, therefore, as it was not charitable, it was void.

This point he stated as follows:—

“Nor do I think that the gift can be treated as one to the particular individuals who, at the testator’s death, were the members of this community.

“I decided this question in *Morrow v. McConville*; and, for the reasons there stated, so far as they apply, I am of opinion that the gift cannot be so construed here. There is not, in my opinion, anything in the terms of this bequest which can fairly be held to point to a gift to those ladies.”<sup>4</sup>

The Vice-Chancellor’s reference in this judgment to the case of *Morrow v. McConville*,<sup>5</sup> previously decided by him, would seem to show that he attached no special importance to a point of difference that might well seem to make a

<sup>1</sup> See I. E. RECORD, August, 1895, pages 696-699.

<sup>2</sup> 19 L. R. Ir. 532.

<sup>3</sup> See I. E. RECORD, August, 1895, pages 698, 699.

<sup>4</sup> 19 L. R. Ir. 532, 533.

<sup>5</sup> See I. E. RECORD, August, 1895, pages 696-699.

very substantial distinction between the two cases in their relation to the rule against perpetuities.

Whatever the legal effect of this difference may be, the existence of the difference, as a matter of fact, is sufficiently obvious. The bequest in *Morrow v. McConville*, was a bequest of *an annual income*. It was a bequest of the profit-rent of lands, for a term of years running far beyond the limits assigned in the rule against perpetuities. Moreover, when we look to the form in which that bequest was made, we find in it several clauses each of which strongly emphasizes the fact that it is a perpetuity.<sup>1</sup> But in this other case, *Re Wilkinson's Trusts*, the bequest was of a totally different kind. It was not a bequest of an annual income running through a term of years, long or short. It was a bequest simply of *a definite sum of money*, £1,000, which was *to be paid over once for all*, to the Superioress of the Convent, on the distribution of the testator's assets; and there was nothing whatever to indicate that the money so bequeathed was to be tied up beyond the limits allowed in the rule against perpetuities, or that it was to be tied up at all.

Every word, in fact, of the judgment upholding the bequest to the Dominican Convent at Carisbrook, in the English case of *Cocks v. Manners*,<sup>2</sup> would seem to be applicable here :—

“ The gift is ordered to be paid to the Superioress for the time being ; and the Superioress, when she receives it, will be bound to account for it to the Convent,—to put it, so to speak, into the common chest. But, when there, it will be subject to no trust which will prevent the existing members of the Convent from spending it as they please . . .

“ Therefore I hold the bequest . . . to be simply good.”<sup>3</sup>

Notwithstanding all this, the judgment of the Vice-Chancellor, as already stated, was adverse to the validity of the bequest in *Re Wilkinson's Trusts*. But the judgment

<sup>1</sup> See J. E. RECORD, August, 1895, pages 697, 698.

<sup>2</sup> See J. E. RECORD, July, 1895, pages 617, 618.

<sup>3</sup> L. R. 12 Eq. 586.



was not acquiesced in by the legal advisers of the nuns, and the case was taken to the Court of Appeal. There the judgment of the Court below was reversed, the Judges of the Court of Appeal being the Lord Chancellor (Ashbourne) and the two Lords Justices of Appeal (FitzGibbon and Barry). The judgment of the Appeal Court was unanimous.<sup>1</sup>

In this case, as in the case of *Delany's Estate*,<sup>2</sup> it was not necessary for the Court of Appeal to decide whether the judgment of the Court below was right or wrong in treating the gift as non-charitable.

The Vice-Chancellor's judgment, as the Lord Chancellor pointed out, would have to be reversed if the gift was good on any ground, that is, (1) if it was not a perpetuity, or (2), if, even being a perpetuity, it was charitable. The Lord Chancellor held that the bequest was clearly good, as it was not a perpetuity, but an immediate gift, once for all, in favour of the Sisters of whom the community consisted at the testator's death.

The two Lords Justices, in expressing their concurrence, plainly conveyed that they furthermore regarded the gift as charitable. This further point, however, was not judicially decided, as, independently of it, the bequest was upheld by the Court on the ground that it was not in the nature of a perpetuity.

The Lord Chancellor put the case thus:—

“If the bequest is good on any ground, that will suffice for Appellant, who claims that it can be supported whether charitable or not.

“The case of *Cocks v. Mannors* is a strong authority in favour of such a bequest . . . Vice-Chancellor Wickens decided in favour of the Dominican (Crisbrook) Convent<sup>3</sup> . . .

“I know of no case which destroys the authority of that decision, and there are many authorities which directly or indirectly support it. In my opinion, the judgment of Vice-Chancellor Wickens . . . establishes the contention of the Appellant.”<sup>4</sup>

<sup>1</sup> 19 L. R. Ir. 533.

<sup>2</sup> See I. E. RECORD, August, 1895, pages 691-696

<sup>3</sup> See I. E. RECORD, July, 1895, page 617.

<sup>4</sup> 19 L. R. Ir. 536.

The Lord Chancellor quoted also the remarks of Lord Justice Christian, in *Stewart v. Green*,<sup>1</sup> as showing that a bequest which can be construed as a gift to the nuns of whom a community consists at the time of a testator's death stands quite clear of the rule against perpetuities.

He also relied upon the decisions on the bequests in *Henrion v. Bonham*,<sup>2</sup> and *Delany's Estate*,<sup>3</sup> each of which—whether it was charitable or not—was upheld as not being a perpetuity, but a complete present gift to the nuns of whom the community consisted at the time of the testator's death. He then continued :—

“Applying these cases to the present one before us, I am of opinion that the bequest is a good gift to the Superioress, to and for the purposes of the existing members of the Convent in Kilkee.

“It is not the less a good gift because the Superioress will (in the words of Vice-Chancellor Wickens) ‘put it in the common chest’ of the Convent.”<sup>4</sup> That being so, it will not offend the rule against perpetuities.”<sup>5</sup>

Lord Justice FitzGibbon followed. “The case,” he said, “appears to me to be free from difficulty.” As to the objection raised on the score of perpetuity, he disposed of it thus :—

“The bequest is . . . a gift of £1,000 in cash, to a named lady, or a lady occupying a defined position at the time of the testator's death, for the purposes of an existing Convent. ‘The Convent of Mercy at Kilkee’ is a known community of religious ladies associated for certain purposes; and, repeating the language I used in *Delany's Estate*,<sup>6</sup> I decline to impute to the individuals described by the testator the attributes of a corporate body, which they do not legally possess, merely in order to destroy the gift to them.

“The only circumstance which created a difficulty in *Delany's Estate* is entirely absent here : in that case, the subject-matter of the gift was land ; here it is a sum of money. . . . There is no

<sup>1</sup> See I. E. RECORD, July, 1895, pages 605-612.

<sup>2</sup> 19 L. R. Ir. 538.

<sup>3</sup> See I. E. RECORD, July, 1895, page 599.

<sup>4</sup> See I. E. RECORD, August, 1895, pages 691-696.

<sup>5</sup> See I. E. RECORD, July, 1895, page 617.

<sup>6</sup> See I. E. RECORD, August, 1895, page 693.

suggestion of investment; the idea of perpetuity does not enter into the case at all; and I think the validity of the bequest, whether it is a charitable bequest or not, is clear.”<sup>1</sup>

Lord Justice FitzGibbon took the opportunity of going in detail through the principal cases regarding bequests in favour of nuns and Convents that had come before the Courts. He considered them consistent with each other, and none of them, he said, threw any doubt upon the validity of this bequest in *Re Wilkinson's Trusts*.

1. In the bequest to the Kilkenny nuns, in *Henrion v. Bonham*,<sup>2</sup> there was, he said, nothing of a perpetuity: the testator “contemplated immediate payment of the money;” besides, the purposes to which the money was to be applied were expressly described as “charitable.”<sup>3</sup> At all events, there was nothing of a perpetuity in the case. That bequest was therefore upheld as valid.

2. As to the bequest in *Stewart v. Green*,<sup>4</sup> “Lord Justice Christian implied that he was favourably inclined to the point that the gift in that case could be supported as a gift to the ladies who composed the community at the testator's death.”<sup>5</sup> “But,” said Lord Justice FitzGibbon, “the words of the will in that case would have made it very difficult to sustain the suggested construction.”<sup>6</sup> “On the very face of this devise . . . it was one intended to continue. It was bad as a perpetuity; and the attempt to maintain it as a charitable trust was met by the language of the trust, defining the ladies of the community<sup>7</sup> as the objects of the trust.” So that, in that case, where the bequest was held void, it was held void on the ground that it was an attempt to create a perpetuity for a non-charitable purpose.

3. In *Re Delany's Estate*,<sup>8</sup> the bequest, said Lord Justice FitzGibbon, was held not to be a perpetuity: in that case,

<sup>1</sup> 19 L. R. Ir. 538.

<sup>2</sup> See I. E. RECORD, July, 1895, pages 599, 600.

<sup>3</sup> *Ibid.*, page 600.

<sup>4</sup> *Ibid.*, pages 605-612.

<sup>5</sup> *Ibid.*, pages 608, 609.

<sup>6</sup> *Ibid.*, page 610.

<sup>7</sup> See I. E. RECORD, July, 1895, pages 615, 616.

<sup>8</sup> See I. E. RECORD, August, 1895, pages 691-696.

it was decided "that the members constituting the community at the testator's death, were entitled to have the lands sold for their benefit;" they were thus enabled "to sell the lands out-and-out," and "to convert them into cash to be paid into the common chest of the community." Therefore, the bequest, whether it was charitable or not, was clearly valid.

4. The bequest in *Morrow v. McConville*,<sup>1</sup> Lord Justice FitzGibbon seemed to consider of the same kind as that in *Stewart v. Green*. "On the face of the will, it intended a perpetuity," and, this being so, the Lord Justice apparently accepted the view of the Vice-Chancellor, that, as the bequest was "for the use and benefit of the Convent," it "defined the community" as the object of the bounty, and therefore was not charitable, and had to be set aside as invalid.

So it came to this, that, in all these cases, either the bequest was held to be valid, or, if it was set aside, it was set aside as fulfilling neither of the two conditions, one or other of which would have been sufficient to save it.

The cases in which the bequests were set aside were two,—*Stewart v. Green*, and *Morrow v. McConville*. In each of these, the two conditions were found to be wanting. In both cases, the decision setting aside the bequests went upon the ground (1) that the bequests were not charitable, and (2) that, moreover, there was something in the wording of the bequest to indicate that it was to be regarded as a perpetuity. But as to the bequest in *Re Wilkinson's Trusts*, whether it was charitable or not, there was nothing to bring it in conflict with the rule against perpetuities; on the contrary, everything pointed quite the other way. Therefore there was nothing whatever to make it invalid.

Lord Justice Barry delivered a brief judgment, expressing himself very forcibly in the same sense. He said:—

"I think that any Court holding that this bequest to Mrs. Spain created a perpetuity, would be altering its plain terms.

"If anyone of ordinary intelligence was asked by the executor

<sup>1</sup> See I. E. RECORD, August, 1895, pages 696-699.    <sup>2</sup> *Ibid.*, pages 696, 697.

what the testator intended to be done, he would say : ‘ Draw a cheque, and hand it to the legatee.’ That is what the testator meant,—that is what he expressed ; and I know of no authority and no law to prevent a testator directing his executor to do what he could do himself if he was alive. . . .

“ *Stewart v. Green* was a case of real property, and there was a manifest intention on the face of the will that a perpetuity should be created. But how there can be a perpetuity in a thousand pounds, to be handed over to a woman, to be spent as she likes under the rules of the community, I do not understand.

“ It is a direct gift of a sum of money, to be disposed of by her according to the rules of the community ; and, to say that this is a perpetuity seems to me little short of an absurdity.”<sup>1</sup>

Thus the bequest was upheld by the unanimous judgment of the Court of Appeal on the ground that it was not a perpetuity, and that, consequently,—whether it was a charitable bequest or not,—it was valid.

Unfortunately, the case was not before the Court in a form that would require a decision to be given upon the further question, whether the bequest “ to and for the purposes solely of the Convent of Mercy at Kilkee,” was charitable. That question would have had to be decided if the liability of the bequest to legacy duty had been disputed. But it was too late for this. The legacy duty had already been paid by the executor before lodging the amount of the legacy in Court.<sup>2</sup>

Attention was directed to this aspect of the case by Lord Justice FitzGibbon. He said :—

“ One matter remains to be noticed.

“ The case comes before the Court upon a petition to draw out the sum which the executor has lodged, which is *the amount of the legacy, less by 10 per cent duty*. Therefore, the question whether this is a charitable legacy does not practically arise before us at all ; for the trustee has assumed that it is not, and has deducted the duty. If he has brought in less than he was bound to pay to the legatees, the Court, upon a summary petition to draw out the sum lodged, cannot decide that a further sum ought to have been brought in . . .

“ Whether [“ the purposes of the Convent ” of Mercy at Kilkee are, or are not, charitable purposes] the present petitioner

<sup>1</sup> 19 L. R. Ir. 542.

<sup>2</sup> See ante, page 786.

is entitled, for the reasons we have given, to the fund in Court; and whatever our present impressions may be, we cannot now decide that the trustees ought not to have deducted, or that the Crown is not entitled to retain, the further sum which was stopped for the duty."<sup>1</sup>

But although the question as to whether the bequest was charitable was not before the Court for decision, it was not by any means passed over in silence.

The tone of Lord Justice Fitzgibbon's observations in the passage just quoted would seem to imply that if the question had been before the Court for decision, he would have held that the bequest was charitable. This, however, is only an inference. His one definite statement upon the point was the following :—

"Whether the 10 per cent was or was not rightly deducted [or, in other words, whether the bequest was or was not a charitable bequest], appears to me to depend upon ascertaining whether the purposes of the Convent of Mercy at Kilkee are charitable purposes."<sup>2</sup>

Now, so far as regards the works for which our communities of Sisters of Mercy are associated, there can be no room for doubt that "the purposes of the Convent" are charitable,<sup>3</sup> in the legal, as well as in the religious, sense of the word. But it has to be remembered that the funds of such communities are applicable, not only to the charitable works for which the nuns are associated, but also to the maintenance of the nuns themselves. Hence the decision of the question whether a bequest for "the purposes of a Convent" of Sisters of Mercy is legally charitable, would ultimately turn upon the further question, whether the maintenance of the members of such a community is a legally charitable purpose.

The decision of Vice-Chancellor Wickens, declaring a bequest made simply "to the Sisters of Charity at Selley Oak" to be charitable,<sup>4</sup> would seem to be a direct answer to

<sup>1</sup> 19 L. R. Ir. 541, 542.

<sup>2</sup> *Ibid.*, 542.

<sup>3</sup> See I. E. RECORD, March, 1895, "On the Legal Definition of Charity."

<sup>4</sup> See I. E. RECORD, July, 1895, pages 613-615.

this question in the affirmative. For in that case it was ascertained by the evidence taken in Court, that one of the purposes to which the funds of the Sisterhood were applicable, was the maintenance of the nuns themselves.

The decision of the Master of the Rolls (Sir E. Sullivan) in *Mahony v. Duggan*<sup>1</sup> points very clearly in the same direction. The maintenance of the nuns being, in that case, *a means to the charitable end* for which the Convent was to be founded, their maintenance should, in his view, be regarded as a charitable purpose.

Lord Justice FitzGibbon, in the earlier portion of his judgment in this case, *Re Wilkinson's Trusts*, had touched upon this question, how far the maintenance of the members of a community associated for charitable works can be regarded as a charitable purpose. Viewing the question, not with special reference to the Sisters of Mercy, or to any particular community or association, but in reference to associations in general, he divided these into two classes.

Of one class, the distinguishing characteristics of which he did not undertake explicitly to define, he said :—

“Where a number of persons, not themselves objects of charity, associate together in order to do works of charity, a gift to help their work may be charitable, though a gift to be spent upon themselves would not ; and persons who are not objects of charity cannot constitute themselves a charitable association merely by associating together for purposes of which their own benefit, spiritual or temporal, is the primary object. In fact, there are many institutions of a religious, pious, and self-denying character which cannot be classed as charitable institutions, though their members do much truly charitable work.”<sup>2</sup>

As I have said, the Lord Justice did not undertake to define the special characteristics of the class of associations to which he would apply the principle here enunciated,—that a gift in aid of the work of an association may be charitable, though a gift to be spent upon those engaged in that work would not be charitable. There is, however

<sup>1</sup> See I. E. RECORD, August, 1895, pages 689, 690.

<sup>2</sup> 19 L. R. Ir. 539.

nothing in his judgment to lead to the inference that this is the class in which he would place communities such as those of the Sisters of Mercy. On the contrary, from the description he at once proceeded to give of the class of associations to which the principle he enunciated would not be applicable, it would seem sufficiently manifest that, in his view, this is the class in which communities such as those of the Sisters of Mercy should be placed.

This second class of associations he described as follows, and the description seems in all respects applicable to such communities as theirs :—

“ In other cases, no possible doubt can be entertained that the ‘ purposes ’ of a self-supporting community are charitable, that *charity is the end and object* of the institution, and *the support of the members merely the means to that end.*<sup>1</sup>

“ A legacy to the Superioress for the purposes of a Convent of that character is not, by the mere circumstance that the nuns live in the Convent in order to carry out their charitable purposes, made less ‘ charitable ’ than if it were given to the governors of a school, or to the trustees of a hospital, or to the superintendent of an alms-house.”<sup>2</sup>

The description thus given by the Lord Justice is, in all respects, applicable to communities such as those of the Sisters of Mercy,—charity being “ the end and object ” of the institution, and the support of the members being merely “ the means to that end.” Hence it may fairly be assumed that the bequest “ for the purposes of the Convent ” of the Sisters of Mercy at Kilkee, would have been held by the Lord Justice to be a charitable bequest if the point had been before the Court for decision. Such a bequest would indeed be applicable to the maintenance of the Sisters themselves. But the maintenance of the Sisters is a means to the accomplishment of the charitable works of their association. A bequest, therefore, applied to their maintenance, would be applied in aid of those charitable works : in other words, it would be applied to a clearly charitable purpose.

This view, if held, would make it necessary to distinguish

<sup>1</sup> See I. E. RECORD, August, 1895, pages 689, 690.

<sup>2</sup> 19 L. R. Ir. 539, 540.



between a bequest made, as this bequest in *Re Wilkinson's Trusts* was, simply "for the purposes of the Convent," and a bequest, like that in *Stewart v. Green*, which was made explicitly "for the use and benefit" of "*the community*," or that in *Morrow v. McConville*, which was "for the use and benefit" of "*the Convent*."

Although a bequest "for the purposes" of the Convent would allow the gift to be applied to the maintenance of the community, it would do so only to the extent indicated in Sir E. Sullivan's judgment in connection with the bequest "for the general support and maintenance of the nuns and Convent" in *Mahony v. Duggan*,<sup>1</sup> and by Lord Justice FitzGibbon in his observations just quoted,—that is to say, only in so far as the maintenance of the community is a *means to the end for which the Convent exists*, and is therefore a charitable purpose whenever the works in which the community is engaged are charitable. But a bequest, such as that in *Stewart v. Green*, made expressly "for the use and benefit of the community," or a bequest such as that in *Morrow v. McConville*, "for the use and benefit of the Convent," might be regarded as possibly going beyond that limit, and therefore beyond the sphere of legal charity.<sup>2</sup>

In referring to the bequest in *Stewart v. Green*, Lord Justice FitzGibbon, as we have already seen, did not in any way intimate that he was inclined to dissent from the decision of the Court of Appeal in Chancery, that the bequest was not charitable.<sup>3</sup> On the contrary, he appeared fully to concur in that decision. For, having referred to the form of the bequest in *Stewart v. Green*, he said:—

"On its terms it would be difficult to hold that those ladies could not lay out the money as they pleased *for their own personal use*, as distinguished from the 'charitable purposes' of their Order,—in marked contrast to the terms of the legacy now before us."<sup>4</sup>

But Lord Justice Barry, in his judgment in this case *Re Wilkinson's Trusts*, showed that he was inclined to go

<sup>1</sup> See I. E. RECORD, August, 1895, pages 689, 690.

<sup>2</sup> *Ibid.*, pages 690, 697.

<sup>3</sup> See I. E. RECORD, July, 1895, page 616.

<sup>4</sup> 19 L. R. Ir. 541.

a good deal farther than Lord Justice FitzGibbon. He was clearly of opinion that the bequest was valid, not merely because it stood clear of conflict with the rule against perpetuities, but also because it was legally charitable. As to this latter point, the decision in *Stewart v. Green* in no way embarrassed him. From the decision that a bequest "for the use of the community,"—such as was in question in that case,—was not a charitable bequest, he totally dissented. As to all this, he began by expressing, in very emphatic terms, his view of the decision in *Stewart v. Green*:—

"I am not prepared to concur in the opinion of Lord Justice Christian that the Sisters of Charity<sup>1</sup> in that case were not a charity. It seems to me to be late in the history of the world, and of Ireland in particular (the rules of this Community being not only universally known, but formally proved in evidence), to hold that these ladies, whose charitable functions were so recognised in revolutionary France, that its soldiers presented arms when they passed them in the street, do not constitute a charitable institution.

"I decline administering the law upon such a hypothesis, and I fail to see where the authority is found establishing that if the Sisters of Charity in Kilkee, as suggested by Lord Justice Christian,<sup>2</sup> thought proper to open a monster shop with the money, or spend the money in luxurious living, the Court of Chancery would not have jurisdiction<sup>3</sup> to restrain them."<sup>4</sup>

Then, passing on to the bequest before the Court in *Re Wilkinson's Trusts*, Lord Justice Barry continued:—

"It is unnecessary for me to say more than that *Cocks v. Manners* decides that such an institution as this is a charity,<sup>5</sup> . . . and every barrister in Ireland knows that if *Cocks v. Manners* had been decided by the English Vice-Chancellor before *Stewart v. Green*, *Stewart v. Green* would have been decided the other way."<sup>6</sup>

<sup>1</sup> There is here, in the reference to the facts of the case, a slight inaccuracy in detail, which, to some extent, runs throughout the passage I have quoted from the judgment. But plainly it is an inaccuracy that does not in any way affect the legal aspect of the case. The community in question in *Stewart v. Green* was a community, not of the Sisters of Charity, French or Irish, but of our Irish Congregation of Sisters of Mercy.

<sup>2</sup> See I. E. RECORD, July, 1895, page 611.

<sup>3</sup> *Ibid.*

<sup>4</sup> 19 L. R. Ir. 542, 543.

<sup>5</sup> See I. E. RECORD, July, 1895, page 615.

<sup>6</sup> 19 L. R. Ir. 543.

He next referred to the judgment of Lord Chancellor Law in *Re Delany's Estate*,<sup>1</sup> in which, as he said :—

“That distinguished lawyer, Lord Chancellor Law, indicates a clear opinion that the institution was a charity, and plainly shows<sup>2</sup> that he would have upheld the gift [which was simply in favour of the Sisters of Mercy at Bantry] upon that ground.”<sup>3</sup>

From all this, there seems to be little room for doubt that at all events the two Lords Justices of Appeal would have held the bequest “to and for the purposes solely of the Convent of Sisters of Mercy at Kilkee,” to be a charitable bequest if the point had come for decision before the Court.

Before passing to the next case, *Bradshaw v. Jackman*,<sup>4</sup> which is the last of the cases we shall have to examine under our present heading, it will not be uninstrucive to note that the decision in *Stewart v. Green*,<sup>5</sup>—adverse as it was to the interests of the Sisters of Mercy,—seems to have been practically ignored in the drawing up of the wills that have come before the Courts in the subsequent cases.

No such decision as that in *Stewart v. Green* would have been possible, if the bequest in that case, instead of being made “for the use and benefit of the community,” had been made so as to define, without possibility of misconstruction, a legally charitable application of the fund. This could have been done, for instance, by directing the rents and profits in question to be paid over, from year to year, to the Superioress of the Convent for the time being, “to be applied by her to the *charitable* purposes” of the Convent, or of the community. A bequest so made, whether in the nature of a perpetuity or not, would leave no room for the raising of any question as to its validity. Even if it went beyond the limits allowed in the rule against perpetuities,<sup>6</sup> it would have stood valid as a legally charitable bequest.

<sup>1</sup> See I. E. RECORD, August, 1895, pages 691-696.

<sup>2</sup> *Ibid.*, pages 694, 695.

<sup>3</sup> 19 L. R. Ir. 543.

<sup>4</sup> 21 L. R. Ir. 12.

<sup>5</sup> See I. E. RECORD, July, 1895, pages 605-612.

<sup>6</sup> See I. E. RECORD, February, 1895, pages 109-111

After the adverse decision had been given in that case,—as a result of the omission to direct, with unmistakable plainness, a “charitable” application of the bequest,—it might fairly have been expected that, in the drawing up of all subsequent wills in favour of Convents, some such precaution would have been taken.

Yet we find, in *Mahony v. Duggan*,<sup>1</sup> after a description of the undoubtedly charitable work for which the Convent of the Good Shepherd nuns was to be established, an opening given for a possible annulling of the entire bequest—which undeniably was a perpetuity—by the use of the needlessly specific phrase, “towards the general support and maintenance of *said nuns* and Convent,” instead of the simple and absolutely safe one, “towards the *charitable purposes* of the said Convent.”

So, too, in *Re Delany's Estate*,<sup>2</sup> the words of the will were simply, “for the Sisters of Mercy at Bantry,”—without any reference to “the *charitable purposes* of their Convent.” The insertion of such a reference would have made impossible the raising of any legal difficulty such as was raised in the case, and was disposed of only at the cost of two legal proceedings, one in the Land Judges’ Court, the other in the Court of Appeal.

In *Morrow v. McConville*,<sup>3</sup> the words of the will were, “to the use and benefit of the Roman Catholic Convent of St. Joseph’s, Lurgan,”—again without reference to the *charitable purposes* of the Convent”—the result of the omission in this case being that the bequest was set aside as void, on the ground that it was a bequest in perpetuity, not limited to any charitable purpose.

Again, in *Re Wilkinson's Trusts*,<sup>4</sup> the bequest in favour of the Convent at Kilkee was made simply, “to and for the purposes solely of said Convent,” the word “charitable” being unaccountably omitted. The insertion of that one word would have left no room for the adverse decision in the

<sup>1</sup> See I. E. RECORD, August, 1895, pages 689, 690.

<sup>2</sup> *Ibid.*, pages 691-696.

<sup>3</sup> *Ibid.*, pages 696-699.

<sup>4</sup> See *ante.*, page 786.

Vice-Chancellor's Court, or, consequently, for the further proceedings in the Court of Appeal, to which the case had to be taken in order to save the validity of the bequest.

10. The last case upon our list is that of *Bradshaw v. Jackman*,<sup>1</sup>—a case already noticed as one in which a question was raised as to the validity of a bequest for Masses, to a member of a religious Order of men.<sup>2</sup>

The will in question in this case, amongst other bequests for religious purposes, contained the following:—

“To Mary Aloysius Martin, Superioress of St. Anne's Convent, Mohill, [certain shares] in trust for the community of the said Convent.

“To the Marist Sisters of the Convent of Carrick-on-Shannon, £100 Bank Stock.

“To Marion Grattan, Superioress of the Convent of Drumshambo, [the residue of testator's estate, after payment of certain legacies] for the support and maintenance of the community of said Drumshambo Convent.”<sup>3</sup>

In connection with an observation just now made,<sup>4</sup> it may here be remarked that in this case, all the legal difficulties that arose were the result of the peculiar system followed in the wording of the will. In no two of these three bequests is the same phraseology employed to indicate the purpose to which the bequest was applied. In the first, we have, “for the community”: in the third, the bequest is “for the support and maintenance of the community”: in the second, no purpose is specified. In none of the three does the word “charitable” occur.

This apparently meaningless variety in phrasing, and the absence, in all three cases, of any explicit reference to a “charitable” purpose, could do no harm if the case were one in which there was no danger of the bequests being held to contravene the rule as to perpetuities. But the view so strongly enunciated by the Vice-Chancellor (Chatterton) in *Morrow v. McConville*,—which practically

<sup>1</sup> 21 L. R. Ir. 12.

<sup>2</sup> See L. E. RECORD, June, 1895, pages 518, 519.

<sup>3</sup> 21 L. R. Ir. 14, 15.

<sup>4</sup> See *ante*, pages 799, 800.

amounted to this, that a bequest for the purposes of a continuing institution, such as a Convent,<sup>1</sup> was, as a matter of legal necessity, a bequest in perpetuity,—created a serious difficulty on that score. As matters then stood, it undoubtedly was somewhat of a risk to leave any bequest in favour of a Convent exposed to the possibility of being treated as non-charitable. For, as a bequest not limited to a charitable purpose, if it was held to be a perpetuity, it should necessarily be set aside as void.

This case of *Bradshaw v. Jackman* came before the Master of the Rolls (Porter) in August, 1877, and his judgment is a characteristically interesting, as well as lucid, exposition of the law bearing upon this class of bequests.

The first and the third of the bequests were, he said, the main subjects of discussion. He took the interpretation of the word “community” to be the point on which the decision of the case should turn :—

“There are undoubtedly two senses in which the word ‘community’ may be used.

“It may mean the aggregate of the persons living in a particular place, or answering a particular description, at a given time : . . . Or it may mean the aggregate of the members of an order or institution from time to time, for ever, or so long as it continues to exist.

“Such words as ‘family’ or ‘society’ are used in two similar and analogous senses.

“In the latter sense, a gift which includes in its objects persons not in existence, and who might not come into existence until a time beyond the legal limit,<sup>2</sup> would be clearly void . . . unless saved by being charitable. Omitting this latter element for the present, which construction of the word ‘community’ am I to adopt here?<sup>3</sup>

Having thus put the question, which of the two senses of the word “community” he should apply in the judicial interpretation of the will before him,—the more restricted

<sup>1</sup> See I. E. RECORD, August, 1895, pages 698-699.

<sup>2</sup> See I. E. RECORD, February, 1895, pages 109-111.

<sup>3</sup> 21 L. R. 1r. 18

sense, or the wider one involving a perpetuity,—he continued:—

“Or rather, am I driven to adopt the latter? For if both interpretations be equally open, it is the duty of a Judge to adopt that which will effectuate the intention, and save the gift,—“*ut res magis valeat quam pereat.*”<sup>1</sup>

This being the rule of construction applicable in the case, he interpreted the word “community” in its more restricted sense, and so upheld the validity of the bequests:—

“In my opinion, there is *nothing to drive me* to the meaning which would make the bequest err against the rule as to perpetuities.”<sup>2</sup>

He then called attention to a number of more or less minute circumstances, each of which seemed at all events to fit in somewhat better with the more restricted, than with the wider, interpretation of the word. Having done so, he continued, in reference to the first bequest, as follows:—

“I think the community of the Convent at Mohill means the persons . . . who are members of that Convent; and that if the money were once paid over to or in trust for them, there is nothing in the wording of the gift to impose upon the legatees any obligation to *retain it* in specie, or to *invest it* for the benefit of future members of the community.

“*They could spend it or invest it*, consistently with the terms of the bequest; and that is enough.”<sup>3</sup>

He added:—

“It is further to be observed that the legacy is left, not to *the Superioress and her successors*, but ‘to *Mary Aloysius Martin, Superioress* of said Convent.’

“I fail to find here anything in the nature of an endowment necessarily perpetual.”<sup>4</sup>

Then, as to the third bequest, he said:—

“If I am correct in this, it seems also to decide the question as to the residuary gift [that is, the third bequest, which was ‘for the support and maintenance of the community’ of the Convent at Drumshambo].

“For, if the ‘community’ of a Convent means the individuals

<sup>1</sup> 21 L. R. Ir. 18.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

for the time being, [at the testator's death], then a gift for the 'support and maintenance of the community' is no more a perpetuity, than a trust for 'the community' simply."<sup>1</sup>

But he added :—

"No doubt, if this bequest had stood alone, a stronger argument for the opposite construction would have been suggested by the use of the word 'maintenance,' which might mean perpetual preservation or endowment."<sup>2</sup>

In the use of the expression, "maintenance of the community," thus commented on by the Master of the Rolls, we have another instance of the harm that may easily result from the want of due precaution, and especially from the introduction of superfluous verbiage, in the drawing up of wills.

The second of the three bequests chanced to be framed so as to keep clear of all difficulty on the score of perpetuity. It was a gift to certain designated persons, with nothing whatever to indicate that it was anything but a complete present gift to them. As the Master of the Rolls expressed it :—

"The legacy to the Marist Sisters of the Convent of Carrick-on-Shannon presents least difficulty, being, I think, very clearly a gift to *personae designatae*."<sup>3</sup>

Hence, in this case *Bradshaw v. Jackman*, all three bequests were held to stand clear of conflict with the rule as to perpetuities, and, there being no other ground of invalidity alleged against them, they were upheld as valid.

As to whether they were legally charitable or not, there was, in the circumstances, no necessity to give a decision, and the Master of the Rolls gave none. He said :—

"On the other point, viz., whether those legacies, or any of them, could be upheld as charitable gifts, even if perpetuities, I

<sup>1</sup> 21 L. R. Ir. 18.

<sup>2</sup> *Ibid.*

<sup>3</sup> 21 L. R. Ir. 19.



have not sufficient materials before me to enable me to form a conclusive opinion one way or the other, and I express none.

“Had it been necessary for the decision of the case, I should, if asked, have given an inquiry;<sup>1</sup> but the view I take of the first question renders such a proceeding unnecessary.”<sup>2</sup>

Thus the bequests in this case,—like those in *Re Delany's Estate*<sup>3</sup> and *Re Wilkinson's Trusts*,<sup>4</sup>—were upheld without any decision being given as to whether they were charitable. There being nothing in them to contravene the rule against perpetuities, the bequests were valid whether they were charitable or not.

Thus, as the result of our examination of the various cases of bequests in favour of Convents that have come before the Courts, whether in Ireland or in England, we have obtained abundant illustration of the general principles to which attention was directed in one of the opening pages of the paper<sup>5</sup> published in the July number of the I. E. RECORD. These were to the following effect:—

There is nothing specially to endanger the validity of a bequest to a Convent if one or other of these two points is secured: either (1) that the bequest is allocated to some legally charitable purpose, or (2) that it is kept clear of contravening the rule against perpetuities. If the bequest is “charitable,” no difficulty can arise from its being a “perpetuity.” If it is not a “perpetuity,” no difficulty can arise from its not being “charitable.” But every available means should be employed to make the bequest secure against all danger of invalidity by attending, not merely to one or other of those two critical points, but, as far as possible, to both.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

<sup>1</sup> See I. E. RECORD, July, 1895, pages 611, 613, 615.

<sup>2</sup> 21 L. R. Ir. 22, 23.

<sup>3</sup> See I. E. RECORD, August, 1895, pages 691-696.

<sup>4</sup> See *ante*, pages 793-799.

<sup>5</sup> See I. E. RECORD, July, 1895, pages 598, 599.

## USE AND ABUSE OF FLOWERS AT FUNERALS

THE dead now go out of this world bearing upon them the honours of a triumph, and laden with flowers and crowns. As they quit the stage of life they receive the homage which a theatrical public bestows on actors who have well performed their part. Wherever vanity and ostentation come in, moderation vanishes, and so the custom of placing a flower on the coffin has degenerated into an abuse of such proportions, that it will soon be difficult to tell a funeral procession from a wedding party. Thoughtful Catholics<sup>1</sup> are endeavouring in several places to counteract a custom which bears many signs about it of a return to paganism, and of Freemason influence.

Now, is the practice of using flowers and garlands at funerals and on graves a relic of paganism, opposed to the spirit of the Church and to Christian tradition, and should it, therefore, be blamed and attacked? We make a distinction between the obsequies and the grave. It is one thing to cultivate flowers on the tomb where our dead sleep waiting for the resurrection; it is quite another thing to pile them up around their corpses in the days when we are mourning for them. There can be no question about the worship paid to the dead by the ancient Greeks and Romans.<sup>2</sup> Nothing was spared that could give the shades of the departed a continuation of the pleasures they had tasted here below. Amongst the Greeks, the dead were on show during seven days, clothed in white, the head crowned with flowers, and reposing on a couch adorned with garlands. The Romans, who at first were content to hang

<sup>1</sup> In consequence of the expressed desire of the late Archduke Albrecht, all floral offerings for the funeral were gratefully declined, with the request that any money intended for this purpose should be given to the poor.

<sup>2</sup> The study of the funeral garlands of the Egyptian tombs is full of interest. The language of the affections was the same in Egypt four thousand years ago as in our own country to-day. Among the most highly-prized plants may be enumerated the rose, the myrtle, the sweet marjoram, the bay laurel, jessamine, the heliotrope, the iris, the ivy, the narcissus, the mignonette, the Egyptian white water lily, the field poppy, the lime, the immortelle, the convolvulus, and the chrysanthemum.

up a branch of the cypress over their doors in sign of mourning, fell, later on, into the same ways, and, like the Greeks, scattered flowers in profusion on the tombs of their deceased. They even instituted a flower festival in honour of the dead. It was called Rosalia, rose-day, and was consecrated to heaping roses on the graves.

It is unnecessary to fill this paper with quotations. Nothing is more certain than the prodigal use which the heathens made of flowers and garlands in their worship of the dead. But is that a reason for concluding that the practice is in itself essentially pagan, and therefore blameable? No, assuredly. For then we should have to condemn the use of lights at funerals—a custom to be found amongst the pagans. It would be a vicious reasoning that would lead us to say: “The pagans acted in this way or that; Christians who act in the same manner are imitating the pagans.” Yet, we find that the early Christians never put a garland on the head of one of their deceased friends, because, says Tertullian, it would be making an idol of the deceased. But, in fitting love and respect—care for the remains of Christ’s servants—the Church did not allow herself to be surpassed by heathendom. From the very beginning she set her face against cremation; the lifeless bodies were laid with all religious observance in the *loculi* of the Catacombs. The place which contained their remains was called a dormitory (cemetery), and there the survivors met to pray, and to celebrate the holy mysteries.

And did never a pious hand drop a flower before those tombs? The Christian poet Prudentius answers in the affirmative:—

“Upon the spot where lie their bones,  
We scatter verdure and flowers;  
And on their cold name-graven stones  
Fall liquid perfumes in showers.”

Other early writers bear witness to the same effect, and their united testimony points to the following conclusions:—

1st. Never do flowers or wreaths figure in the burial ceremonies. Though a garland of aromatic plants is not

unfrequently placed on the bier, to serve as a kind of pillow under the head of the deceased.

2nd. The Church approves of the faithful covering the tombs of saints and martyrs with flowers and wreaths, in sign of veneration. The leafy wreaths painted on the walls of the Catacombs, are a proof that the Church accepts them as symbols of reward and eternal glory.

3rd. The Church, in the first centuries of the Christian era, was not opposed to the faithful adorning the graves of their relations with flowers and verdure, by way of manifesting their affection and their hope, and solacing themselves in their pious grief.

But if the Church does not prohibit what is good, nor what is conformable to the laws of our natural being, so long as innocent practices are not vitiated by abuse, she never ceases to call the minds of her children to higher things, and to point out the better, the supernatural, the perfect way. After all, these attentions to the mortal remains of our dear ones is, according to St. Augustine, a consolation to the living rather than a relief to the dead, and the Church would have us remember that the departed expect something else from our friendship. If her suggestions are disregarded, and practices initially praiseworthy stand in the way of duty and true service, then the Church protests, and sometimes launches forth a prohibition. Thus did she forbid the Agapae, when these repasts, taken by the tombs of the martyrs, after the example of the pagan funeral banquets, changed from holy festivities to indecent dissipation. She also had to prohibit the pouring of oil on the tombs, because superstition crept into the practice. And, in the same way, the Church has felt compelled to lift up her voice, even in the first centuries, against the superfluities and extravagances that began to be introduced into funerals.

We have heard the great Bishop of Hippo. Let us listen to St. Jerome: "What," says he, "do your dead want with golden clothing? Cannot your pride stop, at least in presence of mourning and tears? Cannot the corpses of the rich rot unless they are wrapped in silk?"

After the monuments of the first ages, the source to consult in order to discover the mind of the Church on funeral observance will, naturally, be the ritual. The ritual speaks of flowers in the burial service of a *child who has not reached the age of reason*—and then it is the wreath, to signify the purity of the child's flesh and spirit; but nowhere else. Yet, commentators on the ritual, like Durandus, Catalain, and others, speak of wreaths made of aromatic herbs and evergreen plants being placed on their coffins, to typify that those who die in the Lord Jesus do not cease to live. But in obsequies, though every detail is marked, and the place of every object, book, shield, mitre, sword, carefully defined, no mention is made of flowers, and no position assigned to wreaths. Evidently, such features in a ceremony from which every sign of joy was excluded, *e.g.*, organ and figured music, were unknown and unlooked for.

But it may be objected, the death of a Christian is not exclusively a subject for tears; the very prayers of the Church preach confidence. True, but their dominant note is fear and supplication, an acknowledgment of the awful rigours of God's inscrutable justice, tempered with confidence in the merits of His dolorous passion. So long as the Church is not certain that her children have arrived in heaven's gate, she has not the heart to rejoice. And, therefore, it is that the flowers which figure so conspicuously at modern interments are in flagrant contradiction with the spirit of the liturgy. Flowers are nature's smiles—symbols essentially of sweetness and brightness; their grace, their colouring, their perfume delight the soul and awaken thoughts of joy. Hence, they appear at every feast, and, for that very reason, they are out of place on a coffin over which there is weeping. Had she imposed on us a law, prescribing the use of flowers at funerals, she would have been reproached with being deficient in sensibility, and callous to human sorrows.

It would be different were she certain of the salvation of the defunct. In the case of baptized children who die before the age of reason, she calls for flowers, requiring a

wreath of them to be laid at the head of the table, in token of the virginity it has preserved, and the glory which it has attained. Where there is no sin, there is no death. From these little coffins there exhales a perfume of life, which teaches us the reason why flowers crown them and no others—and defines the meaning and signification which flowers on a coffin possess in the mind of the Church. They are a virtual canonization of the departed one.

So long as the spirit of the Church held sway over funerals, flowers were not to be seen at them. Only in the evil days of the French Revolution did the custom revive in a Christian land of lavishing flowers on the coffin of one who was not a saint. The corpse of Voltaire was probably the first which had these floral honours accorded to it. In 1791 the remains of the enemy of the Church were brought from Champagne to Paris, and the municipal authorities of the towns through which it passed covered the hearse with wreaths of flowers. The spot where the coffin rested the first night in Paris was carpeted with flowers, which were to be seen everywhere during the ceremonies of his interment in the Pantheon. Marat, the ferocious Jacobin, was treated after death to a similar display. His body, says Thiers, lay exposed for days. The clubs, the municipal societies, came processionally to cast flowers on his coffin. Women were invited to do the same, and young girls would advance, walk round the coffin, and throw flowers on the body of Marat. The same profusion of flowers accompanied the translation of his remains to the Pantheon. Flowers covering blood!

In 1803 the Institute of France offered a prize to the one who would give the best answer to the question: "What are the ceremonies to be used at funerals?" All acts of religious worship were specially excluded from figuring in the replies. In the greater number of papers sent in, we find flowers put in the very first place in this unchristian ritual. When Catholic worship was re-established in France, this pagan revival sank again back into disuse. A remarkable evidence of this is afforded in the funeral of Monsignor Affre, the Archbishop of Paris, who

was shot on the barricades in 1848. Never was there a more magnificent funeral—a whole city followed their pastor to the grave—but flowers there were none, except a few at his feet. Under the Empire flowers came again into fashion. The first to employ them would seem to be the societies whose members engage to die without the sacraments, and to be buried without the priest. Civil, irreligious burials are cold and bare, and something was needed to take away their chilling aspect. So flowers were brought in. They brightened the funeral procession, and they looked like tokens of applause for the unhappy creatures who had the courage to defy God even in death. Then the theatrical world, actors, artists, dancers, naturally took with them to their long home the flowers which the public used to pay them with in life.

France is not alone in this flower-worship. In America we read of a Catholic College where on the death of a pupil the parents spent 1,300 dollars (£260) in flowers for the funeral. At the funeral of the New York magnate Jim Fiske, 6,000 dollars (£1,200) were expended in flowers and wreaths. The fashion is contagious. Now it seems the moment death enters a house, one must run to the florist for wreaths and bouquets. Everyone, near relations or simple acquaintances, is expected to pay the deceased a tribute in flowers. Vanity coming in everyone strives to surpass his neighbours by the size or costliness of his wreath, taking care to attach a card which shall indicate the giver. The coffin is often hidden beneath the mass of flowers, tokens of so many varied sentiments. The custom seems to have stamped on it a clear expression of the naturalism of our day, and is, so far, anti-Christian. It is a custom intended not to suggest Christian ideas, but to rob death of its best lesson, *i.e.*, its bitterness and penitential side. The Christian does not pretend not to see death; he is not afraid of it. The sensual man finds that his pleasures are spoilt by its image, and he keeps it out of sight and covers it up.

Another aspect of this custom which should condemn it is, that these flowers are associated with, and are supposed

to suggest the thought that the dead one is already happy. It amounts to canonization. In civil funerals the conviction that the defunct is already in glory, is expressed in most of the discourses made at the grave. Purgatory does not exist. No need of prayers, no need of Masses. One does not pray for those in heaven, and then the expense has been already so considerable. A new theology is invented—from which all idea of expiation is conspicuously absent; and the old theology that true love for the dead meant giving relief to their souls, is buried beneath masses of bloom. And for this very reason, the custom we are speaking about seems to us to be radically anti-Christian. Let us be children of the Church—affection, legitimate sorrow, respect for the dead, will not suffer for it. Again we say, let the cemeteries be well kept—let graves be made as beautiful as you like—but at funerals let the spirit of the ecclesiastical ritual be followed.

WM. CANON MOSE.

## THE FRENCH BISHOPS DURING THE REVOLUTION<sup>1</sup>

WHEN that profound and observant statesman, Edmund Burke, visited France in the last days of the old *régime*, nothing struck him so much in his travels as the splendid position occupied by the French Church. Nowhere else, indeed, in Christendom could be found a religious body comprising so many noble, so many learned, so many devout members; nowhere else did so many and such magnificent institutions cover the face of the land; nowhere else was so much wealth in the hands of the clergy; nowhere else were they so bound up with the social, the

<sup>1</sup> (1) *L'Ancien Clergé de France : Les Evêques pendant la Révolution*, par M. l'Abbé Sicard. (2) *La France pendant la Révolution*, par le Vicomte de Broc. (3) *Reflections on the Revolution in France*, by the Right Hon. Edmund Burke.



civil, and the political life of the nation. A hundred and thirty bishops, all of the highest birth, raised their mitred heads at court, and presided with unsurpassed dignity over the secular as well as spiritual administration of their sees. Around them shone an array of scarcely less distinguished ecclesiastics, their vicars-general, whose ability and refinement honoured the sacred profession to which they belonged. Below these again came a vast army of parochial clergy, unmatched in zeal for the welfare of their flocks. Besides these various ranks of secular clergy, there were also a whole host of monks and friars and other orders of religion. Nor must the numerous communities of nuns, with their prayers, their alms, and other good works, be omitted from this muster of the Church's forces. Altogether the number of ecclesiastics fell not far short of a hundred and thirty thousand, while of parishes, there were forty thousand, and of religious houses thirty thousand. The cathedrals and abbey churches were among the wonders of the world: the sombre majesty of Notre Dame; Amiens, the pearl of Gothic architecture; the façade of Rheims; the towering choirs of Beauvais and Le Mans; the graceful spires of Strasburg and Chartres; the long-drawn nave of Citeaux; St. Denis, the resting-place of sixty kings. And of the parish churches it might be said that they often surpassed the cathedrals of other lands. A fifth of the whole soil of the country was in the hands of the clergy, and over and above this, their revenue from tithes amounted to one hundred and twenty million livres a year; yet, though possessing so much wealth, they were exempt from taxation. In return for these possessions and privileges they had charge not only of the spiritual welfare of their flocks, but also of many departments which might now be thought outside their province. They maintained that the duty of the clergy was to save not only souls, but also lives; or, to speak more accurately, to take under their care the whole man, body as well as soul, for these are both God's handiwork. Hence, they did not restrict their activity even to such mixed spheres of labour as education and the maintenance of hospitals. Their cathedral cities

found in them assiduous and powerful protectors; and when Necker and Calonne revived the provincial assemblies, it was the archbishops who presided, and who displayed the profoundest knowledge of affairs, whether in finance, or in administration, or in the construction of roads and canals. At Court they were consummate statesmen and diplomats. In short, they were to be found everywhere—in the States-General and States-Provincial; in the royal palaces at Paris and at Versailles; in ministries, embassies, parliaments, academies, universities, colleges, schools, and hospitals. Even down to the last days of the old *régime*, they are met at every step in history. At the present time men ask in France where the Church is. In those old days it would have been impossible to say where she was not. Of the three great institutions then existing, the Church was the most ancient, the most splendid, and the most venerated. She it was who had tamed the barbarian chieftains and turned them into Christian nobles. She it was who had knit the Frankish and Gaulish tribes together, and so had laid the foundations of the monarchy. Her glorious achievements during so many long centuries might have been thought sufficient to secure her against attack. But the storm of the Revolution came, and in a few months she fell, and great was her fall.

The famous procession of the States-General to hear Mass in Notre Dame of Versailles on the day before their first meeting, was the last great demonstration of the dignity and power of the old Church. The deputies of the clergy walked the last of the three Orders and nearest their king, in proof that they, of all his subjects, held the highest place in the kingdom. But it was ominously noted that the vast majority of them wore, not the episcopal purple and rochet, but the black soutane of the curé. Of the two hundred and ninety elected only forty-seven were bishops. Of other dignitaries there were only thirty-five, so that the cures numbered no fewer than two hundred and eight. The importance of this proportion was speedily seen. The grave question whether the three orders—clergy, nobles, and people—should debate apart or together, had been left

undecided by Necker. The nobles were practically unanimous against any fusion, whereas the *Tiers État* clamorously demanded it. All eyes were turned on the clergy, to see which side they would take; for whichever view could claim two of the orders would be sure to prevail. Now were seen the evil consequences of the policy of excluding all but nobles from the episcopate. Many of the lower clergy, resenting the hateful class-distinction between themselves and their bishops, and smarting, too, under the insults and injuries inflicted upon them by aristocratic vicars-general and officials, voted eagerly for union with their brethren of the *Tiers État*, where their numbers would swamp all opposition. At first, however, the voting for and against was nearly equal; but, on June 13th, three curés from Poitou boldly left the chamber of the clergy, and joined the *Tiers État*. Next day five others (among them the notorious Grégoire) went over. Then seven more followed their example, and on the 22nd a hundred and forty-nine, headed by the Archbishop of Vienne. All the efforts of the Court and the nobles could not withstand the consequences of these steps. On the 26th the Archbishop of Paris joined; and on the following day, June 27th, clergy, nobles, and people became all united together in one National Assembly.

In the stormy debates which ensued it must be confessed that the curés took but small share. Their previous retired habits of life little fitted them to address with any hope of success that huge assembly of twelve hundred legislators, and to enter into discussion on matters of finance and administration. One only of their number gained anything like a hearing, the Abbé Grégoire; and he was too frequently engaged in attacking the interests of the order to which he belonged. But the curés had voices to encourage or shout down the speakers, and they had votes which often decided important deliberations. On the other hand, as we should expect, the bishops and the higher clergy, though few in number, soon distinguished themselves among the crowd of country priests and lawyers. We have seen, in a former article,<sup>1</sup> what interest they took in secular

<sup>1</sup> I. E. RECORD, December, 1894.

studies; how prominent a position they occupied in the civil government of the provinces, and with what dignity they assisted at the deliberations of the various assemblies. Madame Roland, assuredly no friendly witness, testifies to their marked superiority over their lay-colleagues: a superiority which she attributes to their habits of appearing in public, their correct language, and their distinguished manners. The greatest statesman among the bishops, Dillon, Archbishop of Narbonne, had not been elected to the States General; but Boisgelin, Archbishop of the neighbouring see of Aix; De Cicé, Archbishop of Bordeaux; De Lubersac, Bishop of Chartres, not to mention Talleyrand, the lately-appointed Bishop of Autun, proved themselves able speakers and consummate men of affairs. But, in truth, few men were physically able to make themselves heard in such a vast assembly: and, moreover, the debates, regulated more by the audience in the galleries than by the members on the benches, were very different from the assemblies over which the prelates had been wont to preside. The sight of a bishop rising to speak aroused the angry passions of the mob, unless, like Talleyrand, he was known to be on the side of the Revolution; hence the prelates gradually ceased to take part in the discussions, and left the task of encountering Mirabeau, and braving the yells of the mob to men like the Abbé Maury, or the Abbé de Montesquieu.

After the preliminary struggles the first great question to be decided was the abolition of privileges. Hitherto the clergy and nobles had been exempt from all taxation, and had, moreover, levied taxes on the people—the clergy receiving tithes, and the nobles dues.<sup>1</sup> Whatever may have been the origin of these, their justification could

<sup>1</sup> The clergy, however, paid to the state a *don gratuit* levied in their own assemblies; and, besides, they frequently contributed in other ways. From the year 1715 to the year 1789, they paid nine hundred and fifty million francs (present value), that is to say, on an average, thirteen millions a year. This does not, however, include the enormous sums raised on loans for the benefit of the state, the interest on which in the year 1784 amounted to nearly twelve million francs. Thus, before the summoning of the States-General the annual contribution of the clergy was twenty-five million francs. (See *Revue des Questions Historiques*, July, 1890.)

only be that both performed services for the benefit of the nation : the clergy, by having the care of souls and managing the works of charity, while the nobles undertook the national defence. But during the eighteenth century it was abundantly plain that the duties of the privileged classes were in many cases grossly neglected. Many of the clergy who received the largest share of the tithes had no care of souls at all, and the impotence of the military service of the nobles was shown by the rout of a vast French host by a little army of Prussians at Rossbach. Even if the duties had been efficiently performed, nevertheless the very idea of privilege had been rendered hateful by the wide dissemination of Rousseau's levelling doctrines ; and the bankruptcy of the state and the terrible distress caused by the drought of 1788, and the terrible winter of 1788-89, brought to a head all the people's objection to paying out of their poverty enormous sums to men who seemed to contribute nothing to the public burdens. Backed up by the promises of their deputies, they openly refused to submit any longer to such manifest injustice. The clergy and nobles on their side, though they had long resisted any interference with their rights, now agreed to surrender. On the memorable night of August 4th, the Assembly was the scene of one of the most dramatic events in history. In a single session, lasting but a few hours, the vast mass of feudal and ecclesiastical rights accumulated during a thousand years was swept away. The Church gave up her tithes and other dues, and submitted to the same taxes as the rest of the nation. True, she claimed compensation ; but when this question came on a few days later, the opposition, voiced in one of Mirabeau's most powerful orations, was so strong that the claim had to be unconditionally withdrawn. It was in vain that even the Abbé Siéyès pointed out that the abolition was of no benefit to the state, but was merely a huge present to the proprietors of the land. The clergy perceived, further, that insistence would be of no avail, and determined voluntarily to resign their claim. The

<sup>1</sup> See the early chapters of Taine's *Ancien Régime*.

Archbishop of Paris, speaking in the name of his colleagues, said :—

“ We resign our tithes into the hands of a just and generous nation. Our ministry is to preach the Gospel, to conduct the service of God with due dignity, to lead the people by gentleness, to relieve the poor in their needs. We throw ourselves upon your zeal, for we are convinced that you will not fail to provide us with the means of worthily fulfilling these sacred duties.”

So far the Church had not been the object of any special attack ; her peculiar exemptions and rights had been abolished on the ground that they were privileges, and therefore opposed to the great principle of equality. Nay, the clergy themselves, especially the inferior clergy, had accepted, and even urged, the necessity of abolition. But it became clear during the discussions that the animosity against the Church was fiercer than against the other privileged orders, and that further measures would soon be directed against her. In truth, the whole spirit of the eighteenth century was far more hostile to the Church than to the monarchy or nobility. The ordinary *bourgeois* looked upon her as the main prop of privilege and inequality ; for, besides setting the example of inequality, she held down the people in submission by her promises and threats of everlasting rewards and punishment. To the philosophers and their partizans, she was hateful on other grounds as well. Her doctrines were opposed to their scepticism, and her commands to their immorality. They had, therefore, assailed her with all the weapons of ridicule, sentiment, and learning.<sup>1</sup> The works of Voltaire, Rousseau, and the Encyclopedists were in everybody's hands. Hence, though her position seemed so secure, though her power seemed so great, her foundations had already been sapped, and her fall was assured. Only a few days after the famous fourth of August, two nobles actually proposed that all the property of the Church should be confiscated to the nation ; but it was a bishop—Talleyrand—who was the first to bring forward this motion with any chance of success (October 10th).

<sup>1</sup> See I. E. RECORD, Dec. 1894, p. 1123.

The clergy rightly looked upon their landed property in a very different light from their tithes. The latter were a hateful tax levied on those least able to pay it; they were usually carried off by courtly abbés, who gave a mere pittance to their monks and *vicaires*; and, in any case, they were a constant source of bickerings between priests and people. On the other hand, much of the land had been reclaimed by the monks themselves; it was let at low rents, and these rents, in most cases, were spent in the neighbourhood, in the encouragement of agriculture, manufactures, and the fine arts. But here Edmund Burke must speak, for no one has more cogently and splendidly defended the old French establishment than he has done:—

“Why should the expenditure of a great landed property . . . appear intolerable, when it takes its course through the accumulation of vast libraries, which are the history of the force and weakness of the human mind; through great collections of ancient records, medals, and coins, which attest and explain laws and customs; through paintings and statues, that, by imitating nature, seem to extend the limits of creation; through grand monuments of the dead, which continue the regards and connections of life beyond the grave; through collections of the specimens of nature, which become a representative assembly of all the classes and families of the world, that by disposition facilitate, and by exciting curiosity, open the avenues to science? If by great permanent establishments, all these objects of expense are better secured from the inconstant spoil of personal caprice and personal extravagance, are they worse than if the same tastes prevailed in scattered individuals? Does not the sweat of the mason and carpenter, who toil in order to partake the sweat of the peasant, flow as pleasantly and as salubriously, in the construction and repair of the majestic edifices of religion, as in the painted booths and sordid sties of vice and luxury; as honourably and as profitably in repairing those sacred works, which grow hoary with innumerable years, as on the momentary receptacles of transient voluptuousness in opera-houses and brothels, and gaming-houses and club-houses, and obelisks in the Champ de Mars? Is the surplus product of the olive and the vine worse employed in the frugal sustenance of persons, whom the fictions of a pious imagination raise to dignity, by construing in the service of God, than in pampering the innumerable multitude of those who are degraded by being made useless domestics, subservient to the pride of man? Are the decorations of temples less worthy a wise man than ribbons and laces, and national

cockades and petit maisons and petit soupers, and all the innumerable fopperies and follies in which opulence sports away the burden of its superfluity?"<sup>1</sup>

The attack on the Church lands, led by the renegade Talleyrand, was supported by Mirabeau, in a speech of great power. These two were answered by Maury, Siéyès, Boisgelin, and Montesquieu. The main argument of the spoilers was that Church property really belonged to the nation, and, therefore, might be resumed by the nation, subject to the obligation of otherwise providing for the support of public worship. To which the reply was, that the property in question was not given to the nation, but to the clergy, on condition that they fulfilled certain duties; and that, unlike the nobles, who had thrown the burden of national defence upon the people, the clergy continued to fulfil their duties.<sup>2</sup> They fully recognised that the clergy should contribute largely, in order to stave off the bankruptcy of the nation; and hence they undertook to raise three hundred millions (later on, four hundred millions) on the security of their lands. Boisgelin, who made this proposal, pointed out that the credit of the clergy was so sound, that they could easily borrow at five per cent., whereas the state could hardly raise money at ten per cent. His profound knowledge of finance and his long experience, gained both in civil and in ecclesiastical affairs, gave great authority to his proposal. But the enemies of the Church would hear of nothing that was likely to secure her property or extend her influence. On November 2nd, 1789, the Church lands were placed at the disposal of the nation; in December the sale of a portion was decreed; and in the following May the remainder was put up for sale. It is worthy of note, however, that the determined defence of the clergy produced a marked effect on the Assembly. The decree of November 2nd

<sup>1</sup> *Reflections*, p. 432, vol. ii (Bohn's ed.). The succeeding pages on the same subject would be well worthy of quotation, if space would permit.

<sup>2</sup> I need hardly point out that the Established Church of England cannot avail herself of this argument. The lands now held by her were originally given by Catholics to Catholic priests for Catholic services. The present occupiers are not Catholic priests, and refuse to perform the services enjoined by the donors.



was carried by a majority of only twenty-two, and this at a time when three hundred of the moderate party had been terrified into abstaining from voting.

Now came the question of making adequate provision for public worship. According to Mirabeau and his followers, religion was simply a department of the state; hence its ministers were simply state officials, and, like other officials, should receive a salary proportioned to their services. To understand the strenuous opposition to such proposals, we must remember that the old French clergy, and especially the bishops, were not a down-trodden, long-suffering body, accustomed to interference and insults from *sous-prefets* and *gendarmes*. Only a few months before, they had been the first estate in the realm. Many of them, too, belonged to the highest families, and had enjoyed vast possessions; and they had been everywhere the leaders of the secular as well as the religious life of the nation. To rob them of their tithes and lands, was bad enough; but to degrade them to the position of the tide-waiter and the policeman was, in their eyes, far worse. Not only high-spirited nobles, like Boisgelin and Cicé, but plebeians, like Maury and Grégoire, contended to the utmost for the dignity of the Church and her ministers. But their dread opponent, Mirabeau, pointed out that, like everybody else, they must get their living, and, therefore, they must either beg, or steal, or earn. He added too, what, unfortunately, no one could deny, that vast numbers of the clergy were already living on a miserable wage, doled out to them by noble abbés who did no work. In reply to this, Grégoire, a strong advocate of the Revolution, contended that the remedy was, not to make all the clergy state-paid officials, but rather to make them all landowners:—

“Some people are of opinion [he said] that the clergy have no need of relaxations. Now, I maintain, on the contrary, that these are absolutely necessary for them. Do not the duties of the ministry leave a certain void which requires to be filled up? Can the love of solitude absorb the soul to the extent of keeping the faculties on a continual strain? Does not the monotony, does not the idleness, of a man obliged to stay indoors, cut off from all society, and having no neighbours but rude rustics—does not

this expose the guardian of public morality to depravity, or, at any rate, tempt him to absent himself from the sphere of his duties? . . . Agricultural pursuits would reconcile him to reside in his parish; and who would grudge him the innocent pleasure of planting and tending his land to while away his leisure hours, or to distract him after his studies, or after his visits to the poor and the suffering? His hands would do honour to an occupation which is highest in usefulness, as well as in virtue; for, as a rule, agriculture is the nurse of morality. Besides it is the only one which a curé may exercise."

Another deputy made the same claim, on the ground of the services rendered to agriculture by the clergy. "It is among them," says Ellen d'Ogier, "that experiments and improvements are attempted, the farmers being too much the slaves of custom and routine."<sup>1</sup>

Grégoire also appealed to the gratitude of the revolutionary party to reward the clergy for having twice saved France—by bringing about the union of the three orders, and by voting for the suspensive veto. But these arguments and appeals were all in vain. The revolutionists were bent on degrading the Church, and, consequently, would listen to no proposals likely to benefit her. Even the poorer members of the clergy, to whom such extravagant offers of increase of salary had been held out, found themselves disappointed. A mere pittance (£48 a-year) was assigned to the curés, accompanied with conditions which no honourable man could accept.

<sup>1</sup> Edmund Burke declares his indebtedness to a Carthusian for valuable information upon a curious and interesting branch of husbandry (*Reflections*, p. 462). But it would be idle to point out here the services rendered to agriculture by the clergy in all ages. After the downfall of the Empire, Abbé de Montesquieu drew up a memoir, in which he strongly advised the re-attachment of the curés to the land. "Books and studies [he said] can be of little service to them. Studies require intercourse with intellectual persons, which is beyond their reach; for they leave their books only to associate with peasants, and they are not inclined to take them up again when their minds are occupied with the interests and ideas of their rustic flocks . . . May I say it? We do not want our curés to be learned. If they were, they would soon lose their interest in the monotonous intercourse with peasants. Besides their minds would be filled with wrong ideas; for the man who has nothing but his books, and no one to talk to about them, is always narrow and wrong-headed." I quote this passage, without necessarily accepting all the opinions contained in it.

The tithes and lands of the Church were now gone, and her ministers were reduced to the position of paid officials. But the revolutionists were not yet satisfied. Having disendowed the Church, they now proceeded to disestablish her. In our radical days this latter step may seem a comparatively unimportant one. Not so was it considered a hundred years ago in France. We have seen how Church and state were intermingled in almost every department of public and private life. The laws of the Church were also laws of the state. All registers were in the hands of the curés, and their certificates had full legal value. It was by baptism that man became a member of the state as well as of the Church; marriage in the presence of the curé was the only rite acknowledged. It must be remembered, too, that in France there had not been, as in England, any break in the continuity of the Church. Her doctrines and her worship were, as she constantly boasted, the doctrine and the worship of Clovis and St. Louis. Her wealth might be taken from her—and some of the clergy did not regret the loss—but to dethrone her from her position of honour and influence, and to regard her as like any other sectarian body, was more than she could bear. Hence the debates on the status of the Church were far fiercer than those on the disposal of her wealth. Anyone who reads the account of them will be struck with the old-world character of some of the arguments brought forward for the defence; and no less will he be struck with the fact that Mirabeau's principles have since come to be accepted by most states in their relations with the different Churches. It is noteworthy too, that, here as in other stages of the Revolution, the action of a number of the despised curés turned the scale. When a proposal was made to declare the Catholic religion to be the religion of the state, and to grant to her alone the privilege of public worship, the majority of the inferior clergy sided with Mirabeau, and so procured its rejection by a majority of four hundred and ninety-five votes against four hundred.

But the revolutionists had not yet completed their task of carrying out Voltaire's blasphemous policy.<sup>1</sup> They

had no intention of allowing the impoverished Church full freedom in her sacred functions. Following the example of Henry VIII., they determined to set up a Church with reformed discipline, but retaining the old speculative doctrines. Just as that tyrannical monarch alleged the pretext of abuses, so also did his equally tyrannical imitators. Because some monks and nuns had led scandalous lives, all of them must be abolished; because a number of canonries and dignities were not essential for the Church's work, there must be none of these offices at all. Dioceses and parishes were of unequal extent and population, and did not correspond with the civil divisions of the country: there must now be a bishop for each department, and a parish priest for each *arrondissement*. Formerly the king nominated the bishops, who were then instituted by the Pope; henceforth the people were to elect their bishops and priests, just as they elected all other officials; and as jurisdiction accompanied election, there must be no application to the Holy See. Finally, every ecclesiastic must take the oath of acceptance of this "civil constitution of the clergy," under pain of loss of salary, and ejection from his office. Thiers and Carlyle make merry over these "trifles," and profess to be unable to understand why the clergy should refuse such an oath. But our great Edmund Burke looked upon this constitution as the worst of the many bad mistakes of the Assembly. Mr. John Morley, too, in spite of his opposition to the old Church, and his enthusiastic admiration for the Revolution, goes so far as to say: "The civil constitution of the clergy was the measure which, more than any other, decisively put an end to whatever hopes there might have been of a peaceful transition from the old order to the new." And why was this? Because the new constitution, while pretending to make no doctrinal change, really attempted to build a new Church, based, not upon the Rock of Peter, but upon the will of the people. The bishops saw plainly enough that such a Church could not be the Church of Christ; and that, beginning with what seemed to be merely schism, it would soon fall into heresy, and ultimately into complete infidelity.

The first ecclesiastic to take the oath was Grégoire, who afterwards became constitutional Bishop of Blois. Sixty-five other clerical deputies followed his example, fifteen of whom also were rewarded with constitutional sees. 'Then it was taken by Talleyrand and Gobel, Bishop of Lydda.' Later on, some forty more ecclesiastics submitted, making in all about a hundred; that is to say, a third of the clerical members of the Assembly. Those who still held out were summoned to attend on January 4th, 1791. On that day the Assembly was crowded with revolutionaries, who yelled savagely as each refractory member rose and declared his refusal of the oath. The few words in which each expressed his reasons for so acting, produced such an effect on the saner part of the audience that the mob demanded that no speeches should be allowed. Thus, the Bishop of Agen said: "I am sorry, gentlemen, not to be able to do what you ask. For the loss of my fortune I care little; but I care much for the loss of your esteem." Then came one of his curés. "I glory in adhering to the sentiments expressed by my bishop," he said; "I will follow him even to the scaffold, as Lawrence the Deacon followed Sixtus the Pope." "Gentlemen," said the Bishop of Poitiers, "I am seventy years old. Thirty-five of these have I spent in the episcopate, trying to do all the good in my power. Worn out now with age and infirmity, I do not wish to bring dishonour on my grey hairs. Hence I cannot take the oath: I will bear patiently whatever fate is in store for me." The whole scene, as may well be imagined, was a genuine triumph for those who were found faithful, and the revolutionaries themselves regretted that they had afforded the occasion for such a striking demonstration against the civil constitution. When the oath was tendered to the rest of the clergy, one hundred and thirty out of the hundred and thirty-four bishops, and at least two-thirds of the priests refused it. The four renegade bishops were Talleyrand, Loménie de Brienne, Savine, and Jarente—the very prelates whose scandalous

<sup>1</sup> The last named was elected to the see of Paris. He afterwards married, and declared himself an infidel. This did not save him from perishing miserably on the scaffold during the Terror.

lives had been the pretext for the "reform" of the Church.<sup>1</sup>

Here, for the present, we must pause. Perhaps on some future occasion we may be able to follow the subsequent history of that noble band of martyrs and confessors who suffered willingly for the freedom of the Church and the authority of the Sovereign Pontiff: who "had trial of mockeries and stripes, moreover also of bands and prisons; they were stoned, they were cut asunder, they were tempted, they were put to death by the sword, they wandered about in sheep skins, in goat skins, being in want, distressed, afflicted" (Heb. xi. 36, 37). But enough has been said already to show that the bishops of the old *régime*, worldly though they may have seemed in the days of their prosperity, proved themselves in the dark time of persecution worthy ministers of Christ and successors of the Apostles. And the writer himself must acknowledge that he began this study of the old French bishops full of prejudice against them, but that now he ends it full of reverence for their memory.

T. B. SCANNELL.

## THE AUSTIN FRIARS AT OXFORD

"After the grey came the black of the Augustinians of San Spirito, with more cultured human faces above it—men who had inherited the library of Boccaccio, and had made the most learned company in Florence when learning was rarer."

THE above words occur in George Eliot's fascinating *Romola*, where we are treated to a vivid and minute description of the procession in which was borne the image of "the Pitying Mother, found ages ago in the soil of L'Impruneta, uttering a cry as the spade struck it." The author's graceful and flattering allusion to the members of the Augustinian community at Florence might, without the faintest *souçon* of exaggeration, be applied to the general

<sup>1</sup> Three other bishops took the oath; but of these, two were merely coadjutors, and the other, Gobel, was suffragan of the Bishop of Bâle for the French portion of that diocese.

body of the Austin Friars as they existed at that date (1498) in the different countries of Europe. Newman when preaching in the church attached to the Catholic University of Ireland, on the feast of our holy mother St. Monica, 1856, made reference to the absurdity of the sentiment, always more or less prevalent in the world, which insists that "to be religious, you must be ignorant; and to be intellectual, you must be unbelieving." I can conceive of no more complete refutation of that ridiculous feeling than that which is supplied us by the records of the different orders of mendicant Friars here in England during that period of the history of this country extending from the death of the Plantagenet Henry III., in 1272, to that of the Tudor Henry VIII., in 1547, that is to say about three hundred years. For obvious reasons I prefer at the present moment to limit the scope of my remarks to the records of the Order to which it is my privilege to belong, and if I can succeed in tracing, albeit roughly and disconnectedly, the history of one foundation of the Austin Friars in England—viz., their house at Oxford—I feel I shall have done a little in the direction of rescuing from "the formless ruin of oblivion" the names of men the mention of whose zeal and labours may well cause the spirit of emulation to diffuse itself amongst their successors in the Order which it was equally their ambition to elevate and to popularize.

No visitor to that far-famed city that stands near the confluence of the Cherwell and the (locally) Isis can fail to be charmed, be he never so stockish, with that delightful bit of street running in front of Wadham College. The College itself, which was the *Alma Mater* of Admiral Blake, whose portrait hangs in its hall, is said to form one of the most perfect and exquisite specimens of Jacobean architecture to be found in England. The gardens of the college are remembered with a sigh of regret in every quarter of the Queen's dominions, and were originally laid out and designed by some priest or brother wearing the habit of the Austin Friars. For the Wadham College of to-day stands on the site of the schools and church in which the hermit sons of Augustine of Hippo lectured, prayed, and meditated.

Even in the good old Saxon days Oxford seems to have been a place of some importance. Under the date 912 we are informed by an ancient chronicler, that Edward, the son of Alfred, seized the cities of London and Oxford with the lands adjoining. The latter city is said to have offered a stubborn resistance to the conqueror upon his invasion of England. From about the middle of the thirteenth century Oxford ceased to be a place of any strategical importance; but even at that early date it had already established an irrefragable claim to be regarded as the intellectual capital of England. We can trace the origin of the University far back even into the twelfth century to a period when Thibaut d'Estampes (Theobaldus Stampensis), 1120, and Robert Pullein, 1133, explained the principles of philosophy and theology, as they were then understood, to the youth of England. Early in the thirteenth century the number of students attending the University had swelled to several thousands, both teachers and scholars being, as is stated, of the secular clergy. About the close of the first quarter of the thirteenth century the members of the different Mendicant Orders began to arrive in England. The Dominicans, or Black Friars, were the first to appear, 1222; after them came the Grey Friars, 1224; the White and the Austin Friars. "They had hardly landed at Dover," writes Mr. Green, "before they made straight for London and Oxford." The same author tells us that "their work was physical as well as moral," and that they had already "wandered barefooted as missionaries over Asia, battled with heresy in Italy and Gaul, lectured in the universities, and preached and toiled among the poor." It is difficult to estimate the extent of the impetus given to the cause of learning, sacred and secular, by the advent of the Friars to Oxford. Their influence and authority increased with the advance of time, and from their ranks sprang forth a race of men the fountain of whose mind ran clear as crystal, and whose lips seemed to have been touched with fire seraphic. Of such as these Roger Bacon and Friar Bungay are justly regarded as the protagonists.

The Austin Friars first appeared in England about the



year 1251. They settled in London, where a university was built for them by the generous Humphrey Bohun, Earl of Hereford and Essex. Shortly after their establishment in the metropolis the members of the Order, who were already famous for their attainments in philosophy and theology, began to turn their eyes towards Oxford. In all probability they should have betaken themselves thither at once had not a terrible plague broken out, the like of which, to use the description of an ancient chronicler, "had not been known in the memory of man." The alleviation of the wants of the suffering poor, and the assiduous nursing of such as were afflicted with disease of any kind formed a salient feature in the labours of the Friars of those days. "The rapid progress of population," writes Mr. Green, "within the boroughs had outstripped the sanitary regulations of the middle ages, and fever and plague, or the more terrible scourge of leprosy, festered in the wretched hovels of the suburbs." It was in such haunts as these that the members of the different Mendicant Orders spent the greater part of their days. As the same learned and impartial author puts it: "Their first work lay in the noisome lazarehouses; it was amongst the lepers that they commonly chose the site of their houses." Until the plague then, which raged so furiously in London, had abated, the Austin Friars abandoned all idea of going to Oxford. It was not until 1268 that they first appeared there. Their coming formed an important event in the history of the great university with which the name of the Order shall ever remain associated. The records of the establishment, and labours of the Austin Friars at Oxford, are contained more or less fully in the works of the ancient writers, notably so in the MSS. of Anthony Wood, an antiquary of the highest note, who spent his leisure hours in assiduous practice on the violin, and whose writings are preserved in the Ashmole Museum at Oxford.

The good Friars soon after their arrival at Oxford were fortunate in attracting the kindly interest of John Handlove, Knight, styled of Kennet Sir John Handlo of Borstall, a man of great wealth with extensive estates in

Oxford and Bucks. This worthy man purchased a large piece of ground which he presented to the Austin Friars as a site for their monastery, and the grant of which he caused to be confirmed by King Henry III., in the year 1268, as follows:—

“The king, to the archbishops, &c., greeting. Know ye that we, for the good of our soul, &c., have given, granted, &c., to our beloved in Christ, the Friars of St. Augustine in Oxford, all that land and its appurtenances in the suburbs of Oxford, in the parish of the Holy Cross, which we had as a gift from Roger Clare of Cumenore, to be had and held by the aforesaid Friars and their successors, of us and our heirs for ever, paying for the same yearly to the aforesaid Roger one silver half-penny on the feast of St. John the Baptist, and to the chief lord of the fee, the service to him due and usual for the same. We have also given and granted, &c., to the same friars all that ground in the aforesaid suburb and parish which we had of the gift of Master Martin Bruton, to be had and held, &c., together with the aforesaid ground, which belonged to the above-mentioned Roger, for them thereon to build an oratory in which to celebrate divine service, paying yearly for the ground that belonged to the aforesaid Martin, to the same Martin and his heirs, one silver half-penny, on the feast of St. John the Baptist, and to the chief lord of that fee 12*d.*, and to the heirs of Peter Brideport, 6*d.*, in lieu of all services, customs, and demands.”

After some little time it was found that the above-mentioned piece of ground was not large enough for the needs of the Friars; and again we notice their benefactor, Sir John Handlove, coming forward and sending his commands to his client, Bogo Clare, Rector of the Church of St. Peter in the East, Oxford, to which Church the manor of Holy Cross belonged, to deliver to the Austin Friars a piece of ground contiguous to that already in their possession. In case the Rev. Bogo Clare should suffer any detriment in virtue of this transaction, he received from John Coleshull, another opulent benefactor of the Austin Friars, the rent of a certain tenement situated in the parish of St. Aldate. A copy of the document, by which this gift was conveyed to the good father, lies before me as I write, but is too lengthy to be given in this paper.

In the year 1269, King Henry III., in the fifty-fourth year of his reign, confirmed to the Austin Friars, in the

form of law termed *Insuperimus*, the above-mentioned grants of land, about the same time the generous Sir John Handlove, in his great regard for the Order, and his eagerness to advance its interests, obtained for our Fathers a more extensive grant of property, including several tenements which formerly belonged to the Regular Canons of St. Frideswyde. An entry in the register of that body has come down to us, and runs as follows:—

“It is to be observed that the Church of St. Frideswyde had certain tenements in the suburbs of Oxford, and in the parish of Holy Cross, viz.:—The house of Alexander the fisherman, Stapleton's house, the writer's house, the house of Thomas the mason, and the house of John Yestele, which are demised to the Friars of St. Augustine at Oxford, in the time of John Lewkemore, late Prior, the deed of which demise is not to be found with us, for which tenements they pay us nothing.”

After the Friars had secured this property, Pope Gregory X. granted them a confirmation of the same, but more especially of what they had received from the King and Sir John Handlove. The church and convent of the Fathers of the Order at Oxford, which were most elaborate and spacious, were erected at the expense of Sir John Handlove, who seemed only too willing on all occasions to make any sacrifice on behalf of the Friars. The material used in the construction of the buildings was cut stone. The requisite timber was carried all the way from Shotover Park, of which demesne Sir John was presumably King's Ranger. Sad to relate, this worthy English nobleman was called to his reward before the buildings had been completed.

“The house of the Austin Friars,” writes Wood, “was without the smith's gate, and fronted to Holywell-street on the south, and the great court in which Wadham College now stands on the north.” He next proceeds to describe the buildings which, as he puts it, “were not only beautiful and in very wholesome air, but also near the Schools of the University, and therefore very commodious for all exercises.” The Schools of the Austin Friars, as in the case of the other Mendicant Orders, had their distinct names for Philosophy and Theology. Wood gives it as his opinion that the Divinity Classes were held at first in the church, and later

on in the Chapter Room. The Philosophy Classes were invariably held in the Refectory. "Hither," writes the learned Anthony, "they drew almost all the University, and procured all the Acts to be kept there." Wood is here alluding to the Divinity Acts which were kept in the House of the Austin Friars, until the School, which to the present day is dedicated to that use, was finished. Ancient writers lavish the highest praise upon the Austin fathers as teachers of philosophy and divinity. If proof were needed of the accuracy of their encomiums, we have the following statute concerning the disputations of Bachelors :—

"It has been ordained in the assemblies of the Regents, for the benefit and prosperity of students in the faculty of arts, that every bachelor of the said faculty shall once every year dispute, and even answer at the Augustinians, provided that he be legally warned to dispute or answer by the collators, to be assigned for such disputations, fifteen days before he is to dispute or answer ; and if anyone so warned shall refuse to dispute or answer during the preceding half-year, there shall no reading or hearing be allowed him in form for that year ; and for the observance of this regulation everyone that is to answer the question shall take his corporal oath before the other proctor before he answers to the question."

In the opinion of the greatest authorities the above document dates from the year 1267. This is sufficient to indicate to us that the members of the Order had attained the highest pinnacle of success as teachers immediately after their coming to the University. Again there was another enactment in force in Oxford to the effect that before any bachelor was preferred to the degree of Master of Arts, he should hold disputations in fixed days before the Austin Friars—1, in old logic ; 2, in new logic ; and 3, in philosophy. The Rev. T. Hugo, late Protestant Rector of West Hackney, London, and an antiquarian of very considerable eminence, has devoted a most charming essay to the history of the Austin Friars in England. Referring to their efforts in Oxford, he states that "their presence there at once raised the standard of learning in the University. They were then speedily acknowledged masters both in philosophy and divinity . . . the eyes of the place and the leaders of its literature."

The fame of the Austin Friars at Oxford became more and more widely known as time went on. So great, in fact, was the reputation they gained for erudition, that in the year 1529, the immense crush of students at their schools gave rise to a plague which raged so fiercely in the monastery that they were obliged to ask for a dispensation by which the exercises of the bachelors were transferred, for a short time, to the Church of St. Mary. As soon, however, as the epidemic had passed away the customary disputations continued to be held in the Augustinian schools. This state of things continued down to the date of the suppression.

“Many extraordinary men,” writes Wood, “proceeded from the schools of the Augustinians, to mention all whom would be tedious and needless.” A few names which occur to me at the present moment are as follows:—1. John Wilton, a famous teacher of divinity. He was still living in 1314. 2. Robert Eliphath, who gained great renown for himself in Paris and Oxford for his brilliant scholastic disputations. 3. Geoffrey Hardby, of whom Leland says that his extraordinary knowledge gained him admission into the highest class of learned men at Oxford. 4. Bakin, a most zealous antagonist of Wickliffe, a famous preacher and disputant. He flourished in 1382. 5. John Godwyck. Bale ranks him amongst “the highest divines.” He was one of the first pulpit orators of his age. 6. Thomas Ashbourne, a man deeply versed in theology, and an implacable foe of the heretic Wickliffe and his followers. 7. Patershull, noted for his great subtlety of thought and varied attainments. 8. Thomas Winterton, according to Leland, the most renowned philosopher of his age. 9. John Waldby, a man of vast erudition, and brother to Robert Waldby, also an Austin Friar, who died Archbishop of York, in 1399. 10. John Lowe, Professor of Divinity at Oxford, the friend of King Henry VI., and subsequently Bishop of Rochester. 11. John Capgrave, the author of the *Chronicle*, which is still extant, and the greatest hero of all the Austin Friars. 12. Thomas Penkett, unequalled for his sharpness in disputation, and so closely modelled after Scotus, that, as Leland puts it, “one egg could not be more like to another,

or milk to milk." In the metaphysical philosophy of Aristotle and the practice of scholastic logic he had no equal. He died in 1487. And so on, through a long list of hundreds of others equally eminent men who adorned the order to which they belonged, and left behind them a legacy of erudition, culture, and piety, which did not fail to enrich the blood of the world. The library of the fathers at Oxford was most extensive, and contained numberless works of the rarest value. We have no clue to the names of the founders and benefactors of the library.

The good Friars never for a moment forgot their indebtedness to their original benefactor, Sir John Handlove. I could fill the present number of the I. E. RECORD with the words of a document, which is now before me, and is addressed to "all the faithful in Christ," by "Brother John Stockton, Prior of the convent of the Friar Hermits of the Order of St. Augustine, at Oxford," with the intention of placing on perpetual record the great generosity of the good English knight. Want of space again precludes anything more than a passing allusion to the numerous other benefactors of our Order at Oxford; as, for instance, John Chastleton, the famous illuminator, who gave all he possessed to the Austin Friars, "for the eternal rest of his soul." The popularity of the Friars brought them into conflict with the authorities at Merton, who were the lords of the manor of Holy Cross; but in the end the Augustinians bore down all opposition.

It is sad to read of the suppression of this great establishment. That unhappy event took place in the thirty-second year of the reign of Henry VIII. A year after the lands and houses belonging to the Order were given to a certain Thomas Carwarden, who, as we read, "converting everything to his profit, carried off the stone, materials, trees, &c." From the Harl. MSS., 4316, p. 3, I learn that King Edward VI. sold the property of the Austin Friars to Henry Duke of Suffolk, and Thomas Duport. William Wetherhall was the last prior of the convent of the Order at Oxford. The choir of the church in which the fathers chanted the Divine Office daily, is said to have been sixty paces long ;

the nave sixty-six paces; the breadth of the church was forty paces.

Finally, in the reign of King James I. the inheritance of the Order at Oxford came, in its entirety, into the hands of the foundress of Wodham College, who, with her husband's consent, applied it towards founding that great institution which bears her name, and so the Austin Friars became but a memory by the banks of the Isis.

RICHARD A. O'GORMAN.

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## THE MYSTICAL SENSE OF SCRIPTURE.—V.

A VERY instructive example of this sense is found in our Lord's words:—"An evil and adulterous generation seeketh a sign; and a sign shall not be given it, but the sign of Jonas the prophet. For as Jonas was in the whale's belly three days and three nights, so shall the Son of Man be in the heart of the earth three days and three nights." (St. Matthew xii. 39, 40.) The passage is for many obvious reasons an important one, and will amply repay attentive study. For in it our Lord explains the purport of a great miracle, as unique in itself, as it is full of meaning.

The history of Jonas has left a deep impression on the minds of believers in all ages. It is almost as familiar to us as it was to the Jews of old. Frequently pondered on by the pious Hebrew, for him it was hardly necessary that it should be read once a year in the synagogue. But it was ordained that all should be regularly reminded of that wonderful deliverance, and still more wonderful mission to Ninive, in order that it should be indelibly imprinted on the memory of the entire nation.<sup>1</sup>

<sup>1</sup> After Isaias xl. 3 (Matt. iii. 3) this is the next instance of an Old Testament type being explained in the New. At first sight it might seem that the resemblance which, as our Lord teaches us (Matt. xi. 14), exists between Elias and St. John the Baptist, was an instance of the same kind of mystical sense. Because the Prophet of Carmel belongs to the Old Testament, and the son of Zachary to the New, the beginner in exegesis might

A great solemnity, too, the only one of the kind in the Jewish calendar (see Lev. xxiii. 27), was selected for the purpose. On the Day of Atonement (Jom kippur leminchah, 10th day of Tisri), the Haptarah or lesson for the evening service, was the entire book of Jonas.

39. We naturally ask ourselves what was there in the prophet's deliverance, singular though we find it to be in every respect, that its remembrance should be thus made to permeate the very soul of the people of God? And our wonder increases when we consider the immediate end and purpose of that miraculous preservation. It was to preach to a heathen city, to warn the Ninivites. But such a mission was diametrically opposed to all the popular ideas, all the preconceived notions of the Jews: in comparison with it, even the accompanying miracle would cause no surprise. The people's own history was in great part made up of descriptions of similar extraordinary interventions of Divine power, and of the message of salvation delivered to generation after generation; but that history in its whole course contained no example of a commission from God such as this. The prophets were sent to Israel, and to Israel only, even though some of them might have had casual intercourse with the Gentiles, and one of them worked a miracle in Sarepta. For Jewish exclusiveness there certainly was a difficult problem (or rather a deep lesson, as we see now) in that

be led to think that the former prophet is a type of the latter. The reverse, however, is the truth. Elias is the anti-type of the Baptist. The likeness consists in one being the Precursor of Christ the Redeemer, and in the other being the Precursor of Christ the Judge. The mission of the first is fulfilled; that of the second, who is not dead, remains to be accomplished. He will come before the end of the world to restore all things. Hence the prophecy of Malachy, iii. 1, refers literally to St. John the Baptist, and mystically to Elias.

The texts, therefore, in the Gospels that indicate the typical relation between these two messengers of God, cannot be treated of here. At present we are concerned only with passages of the Old Testament that the New shows to have had a mystical meaning. Later on we hope to examine those texts in the Gospels which afford examples of a mystical meaning contained in the initial stage of New Testament revelation, by means of which some of the early events prefigured subsequent ones, or even foreshadowed other mysterious occurrences yet to happen, which no man can exactly anticipate, and the nature of which will not be fully known until the end of time.



mission to the capital of Assyria. If Jonas himself at first refused to go, if afterwards he could not understand why God had mercy on Ninive, and was exceedingly angry because his own predictions of punishment and destruction had not been fulfilled—what would be the thoughts and feelings of an uncharitable Jew ?<sup>1</sup>

40. The deep-rooted prejudice which, humanly speaking, would prevent the recognition of the true nature of the prophet's mission, would be an equally great obstacle to the reception of the work which bears his name. Yet there it was : a foreign missionary's history honoured equally with the lives of their own saints ; a book without a precedent, occupying a high place in the collection of the sacred writings. Only a strong faith, bearing away all such obstacles, silencing all the murmurings of false nationality, could have believed in its inspiration. Of this we may be quite sure, had private judgment been the maxim of the Jewish people in religious matters, the book of Jonas would never have

<sup>1</sup> The passages in the Gospels which direct attention to this trait of the Jewish character are well known, and need not be quoted here. But there is an instance of it recorded in the Acts (xiii. 43-45), which, though remarkable in itself, is rarely, if ever, referred to. Some Jews of Antioch in Pisidia were converted by a discourse of St. Paul's delivered in the synagogue. They came to hear him again on the following Sabbath. On this occasion some Gentiles were present, but when St. Paul announced the tidings of salvation to *them*, the hitherto well-disposed Jews became indignant, contradicted him to his face, and rejected his doctrine altogether. They could believe that the Crucified One was the Son of God, but not that the Gentiles were to enter the kingdom of heaven. So, rather than admit the second, they denied the first.

Of course, well-instructed and charitable Jews found a joy in the divine assurance that the Gentiles were to be admitted to an equal participation in the heavenly favours bestowed on themselves. The promises made to the patriarchs—Abraham, Isaac, and Jacob, were that in their seed all nations of the earth should be blessed. Moses and David invited them to join the people of God in worshipping Him ; Deut. xxxii. 43, Psalm cxvi. 1. David foretells their conversion, Psalm ii. 8, xvii. 50 ; so does Isaiah ii. 2, 4, xi. 10, &c. ; so do Osee, i. 10, 23, 24 ; Joel, ii. 32 ; Micah ix. 1, 4, &c. However, the prediction of Moses, Deut. xxxii. 21, that the Jews would on that very account be stirred up to jealousy, was also fulfilled. Comparatively few of them had the consuming zeal and the boundless charity of St. Paul, the Apostle of the Gentiles, who in his Epistle to the Romans treats of his favourite theme, this mystery of grace, as no other inspired writer has done, and who quotes and explains nearly all the texts mentioned above, and several others as well, in order to illustrate and prove it.

been admitted into their Canon. Or, let us suppose that their infallible guide, the High Priest or a prophet, had received less revelation from God ; that he had been assured of the inspiration of the book, but not enlightened as to the fact of the book's having a hidden meaning, then it should have been classified as a historical work, and put with Job, Esther, &c. But it would never have got a place among the prophets, for there is not a word of prophecy to Israel in it, nor does it appear even that Jonas at any other time conveyed a message from God to his own people. Nor, lastly, can it be said that the predictions which the book narrates were sufficient to make it the book of a prophet ; for we may be sure that the conditional, unfulfilled threats which Jonas uttered in Ninive (granted that their unfulfilment did not decisively hinder the reception of the work), would never confer a prophetic character on the whole in the opinion of the Jews.

Yet, notwithstanding all such hypothetical human reasoning, the mysterious book was from the beginning held in the highest veneration and rightly regarded as a revelation of things to come. We know that some Jews doubted or denied the divine origin of certain books of the Old Testament (the so-called Deutero-canonical ones) ; but the fact of Jonas being a prophet, and of his book being inspired, was never called in question. Centuries after the book had found its place in the Canon, the Pharisees in their dispute with Nicodemus did indeed tell him to search the Scriptures, and to see that out of Galilee a prophet riseth not ; but it is far more probable that in the excitement of the moment they forgot that Jonas was a Galilean (2 Kings xiv. 25) than that they dared to deny his prophetic office. In their case, hatred of Christ, rancour towards the Nazarene, prompted the contemptuous remark. When He, however, on more than one occasion called Jonas a prophet, they made no objection, nor could they. We shall have occasion again to refer to these leaders of the blind, but at present we are going to answer the question before us.

40. Why was the book of Jonas always held to be the book of a prophet ? It was so, because it was revealed that

Jonas was a figure or sign of One greater than he. Jonas was a prophet to Israel, not in virtue of anything he said, but on account of what he did; not in virtue of anything he wrote, but on account of what he experienced. Why was he swallowed by the fish, why was his life subsequently preserved by a miracle? Surely not so much in order that he might preach to the Ninivites (for he could and should have gone on his mission at once, and had he been obedient<sup>1</sup> and undeserving of a penalty the miracle need not have been worked), as that he might in his own person bear antecedent witness to Christ's dying and then rising from the tomb.<sup>2</sup> As Lazarus, brought back from the dead, was an

<sup>1</sup> In order to prevent misconception, it may be well to say that the present writer prescinds from the question whether there was any moral guilt on the prophet's part. The remark in the text is to be understood not of a *culpa theologica*, but of a *culpa juridica*. If it would be presumptuous in ordinary persons to pass an unfavourable judgment on the nature of certain actions of great servants of God, how much more so in respect of those which belong to typical personages. To take a case similar to that of Jonas. It is well for us to bear in mind that St. Augustine says of Jacob's act (Gen. xxvii. 24), which was undoubtedly a material untruth, and the cause of Isaac's deception:—"non est mendacium sed mysterium." Many of the other fathers, and many of the mediæval theologians were of St. Augustine's way of thinking. The contrary opinion was held by some well-known theologians in the seventeenth century. Thus great authorities differ. This is not the place however to treat of the history of the question, but those who wish to know more about it may be referred to the interesting brochure *Jacob und Esau, Typik und Kasuistik*. Munich, 1880, by P. Hotzl, O.S.F., the present Bishop of Augsburg.

<sup>2</sup> Jonas swallowed by the fish was, morally speaking, dead. He did not need to die physically, any more than Isaac, another figure of Christ (Gen. xxii. 12); for a representation is never equal to what it represents: or, in hermeneutical language, a type need not, and indeed cannot, have all the qualities of its antitype. There must be some difference, some mark of distinction. As St. John Chrysostom well remarks: —*Μη παντα απαιτει εν τω τυπω, ουδε γαρ αν ειη τυπος, ει μελλοι παντα εχειν τη αληθεια συμβαινοντα.* —*Εδει δε τον τυπον ελαττον εχειν της αληθειας, επει ουκ αν ειη εκεινα τυπος των μετα ταυτα εσομενων, δια τουτο εκει μεν ωσπερ εν σκια προεγραφη.*—(*Hom. 61 in Gen.*)

However, in addition to the miracle itself, we see minor traits of resemblance. Around the central fact of Jonas's history are grouped what may be called "side analogies." The Abbot Rupert von Deutz (Rupertus Tuitensis) says that the reason of the prophet's flight was because he saw in his mission to Ninive, the rejection of the Jews; therefore he was unwilling to go. "Non gentium salutem oderat, sed suae gentis damnationem timebat." The same author draws a beautiful parallel between Jonas sorrowing and Christ weeping over Jerusalem. Then Jonas was cast into the sea at his own request by the very men for whom he offered his life as a ransom. They hesitated and protested that this innocent

incontestable living proof of Christ's power ; so Jonas, in consequence of his deliverance, became a personified prophecy of Christ's divinity. He was thus in the highest sense of the expression " a sign unto Israel." Hence, though there is no verbal announcement about the world's Redeemer, not a single Messianic prophecy in the literal sense of the book, there is something hidden within, far more significant and impressive : that wonderful event which is the main subject of the narrative is a *real* prediction, a prophecy contained in the mystical sense. And this, undoubtedly, is the reason why its Divine Author assigned to the book the place it occupies in both the Hebrew and the Christian Canon. Jonas is as much a prophet as those with whom he ranks, and between whom he is placed, as truly as Amos and Abdias on the one side, and Micheas and Nahum on the other. And now we have answered the question.

To Jonas was entrusted pre-eminently the office of foretelling the vocation of the Gentiles, and still more the supreme events in the life of Christ. His high mission was perfectly fulfilled. No one is so like him as Isaias ; what the glorious predictions of the evangelical prophet are to the other verbal prophecies in the Old Testament, that precisely is the episode in the life of Jonas in respect of all other types and figures. St. Jerome says :—" Jonas naufragio suo passionem Christi praefigurans mundum ad penitentiam revocat, et sub nomine Ninive salutem gentibus nuntiat." St. Gregory, of Nyssa, calls his prophecy of the Resurrection *παντων γνωριμωτερον τε και φανερωτερον*, and St. Augustine observes : " Hic non tam sermone Christum quam sua quadam passione prophetavit, profecto apertius quam si ejus mortem et resurrectionem scripto et voce praeuntyasset." Rupert

man's blood should not be laid to their charge ; God's anger ceased, and the sea became calm when Jonas was immolated. So, too, Christ of His own free will laid down His life even for His executors. Pilate for a time made an effort to save Him, and then washed his hands to show he had no part in the transaction. Finally, His Father's wrath was appeased by the Divine Victim, and the tumultuous reign of sin and death was ended for ever. Lastly, in both cases, salvation was not announced to the Gentiles until after the return among the living : in the one case had Ninive been impenitent it would have been destroyed after forty days ; in the other, the unbelieving Jerusalem was taken, and its temple razed to the ground after forty years.

exclaims :—" Quis enim omnium prophetarum tanto glorificatus est miraculo, tam mirabili Christi mortem atque resurrectionem præsignavit exemplo." It is significant that we are not told whether he predicted ought else; he appears only on one occasion, and then as the " Prophet of the Resurrection."

41. The greatest of all Christ's works required an inspired herald wholly for itself. What befell the prophet was specially designed and decreed by God, and so ordained as to be a faithful copy, and a most expressive likeness of the Easter mystery. Jonas was saved by the Divine power overruling the laws of nature; Christ's adorable body, too, was miraculously preserved in the tomb. The prophet exclaimed :—" Thou wilt bring up my life from corruption, O Lord my God;" of the prophet's King and Lord it had already been written :—" Thou wilt not give Thy Holy One to see corruption." In Matthew xii. 40 (the text of this article) Christ brings out emphatically the resemblance which exists between the prophet and Himself, and His words for Limbo :—" The heart of the earth," are obviously intended to be parallel to those of Jonas :—" The heart of the deep." So, too, on the other hand, the prophet's name for his place of temporary confinement, " Sheol," a metaphorical expression in his own case, is the precise theological term for that abode of departed spirits into which Christ's soul descended.

In both instances, also, the miracle of preservation lasted three days. This is the distinctive attribute of the prophecy we are studying; it pointed out the *time* that should elapse before Christ was to rise from the dead. The only other Messianic prediction which is like it in this respect is the angel Gabriel's one of the seventy weeks, which revealed so precisely the dates of the Incarnation, Passion, &c., Dan. ix. 24, *seq.* But ours is the only mystical prophecy that defined the exact period between the Death and Resurrection, unless in Osee vi. 3, the people of Israel be as elsewhere, a type of our Divine Redeemer. Others certainly foretold the fact of His resurrection; David in the words of the Psalm above quoted, and Isaac by being restored to his

father (Gen. xxii. 12), the mystical sense of which is explained by St. Paul (Hebrews xi. 19), "accounting that God is able to raise up even from the dead, whereupon he (Abraham) received him for a parable"—figure or type, *i.e.*, of the risen Saviour; but Jonas not only came back among men, but came back at the right moment. His subsequent life was the result of a miracle, and of a most extraordinary one.

42. That marvellous event, would in Jewish phraseology, be called "a sign" (see John ii. 11, 18, 23; 1 Cor. i. 22, &c.), and in speaking of it our Lord Himself on two occasions uses the word. When the Scribes and Pharisees, tempting Him, said:—"Master, we would see a sign from Thee" (Matthew xii. 38), and the Pharisees and Sadducees asked Him to show them a sign from heaven (Matthew xvi. 1, Mark viii. 11), *i.e.*, a valid proof in confirmation of His doctrine; an indubitable testimony which would justify *them* in believing Him, not a mere work on earth, such as Beelzebub might perform—for instance, the casting out devils, but a genuine miracle, to show that he had power in heaven—His answer was:—"A sign shall not be given, but the sign of the prophet Jonas" (Matthew xii. 39, Luke xi. 29); or, as Mark has it:—"Amen, I say to you, if a sign shall be given to this generation."<sup>1</sup> The meaning of

<sup>1</sup> The expression is elliptical. To complete it, "then I am not God," or something similar must be mentally supplied. This omission of the apodosis in oaths and strong asseverations, is a Hebraism, of which there are several interesting examples. One must suffice here. At the end of the Invitatory Psalm, "Venite exultemus," the words:—"Quibus juravi in ira mea, si introibunt in requiem meam," are equivalent to "Ego non sum Deus," *si, &c.*; or, to turn the idiom itself into English, as it is well done in our Douay version:—"I swore in my wrath, that they shall not enter into My rest." See other instances (Gen. xiv. 23, 1 Kings xiv. 45, 2 Kings xi. 11), in all which the Hebrew text has "if," and the Douay version has "not." In Ps. cxxxi. 3:—"If I shall enter into the tabernacle of My house, &c., until I find a place for the Lord," &c., the "if" of the original is retained; but as the sense of the passage is unmistakable, the retention affords an excellent illustration of the first part of the rule which sounds so paradoxical to beginners in hermeneutics. "If" is negative, "if not" is positive. It will now be evident that the different forms of expression in the texts of the Gospels quoted above are but another illustration of the same rule, for the "if" of St. Mark is the exact equivalent of the "not" of St. Matthew.

the reply was, that a miracle such as the men of that unbelieving generation demanded or stipulated for before they would believe (as if they could lay down conditions for Almighty God), should not be granted; not a sign from heaven, but a sign from the heart of the earth; and not for their salvation so long as they persisted in their haughty incredibility, but for their condemnation.

43. The reader will have noticed that our Lord calls His own remaining in the heart of the earth (of which His death was the beginning and His resurrection the end), "the sign of the prophet Jonas." He does so on account of the typical relation, in order to emphasize which He uses the name of the thing signifying for that of the thing signified. As we shall presently see, this expression was of all conceivable ones the phrase best suited to those who were listening to Him. He who spoke as man never spoke before, chose the words that conveyed its meaning in the clearest possible manner. The Jews were familiar with the history of Jonas, and knew well that the miracle prefigured some still greater one which they were to expect from anyone claiming to be the Messiah. To tell them that a future supernatural occurrence even in respect of the time it was to last would be like the one they were so accustomed to hear about, was the best means of giving them a true idea of that yet unseen event: to tell them that by it the Son of Man would fulfil the mystical prophecy, was an explicit declaration that the Speaker was the Desired of all nations. For only to Him would the miracle surpassing that of Jonas be granted, because nothing can be parallel and superior to a type, but its own correlative or antitype. Hence our blessed Lord concludes:—"Behold a greater than Jonas here." What he says immediately after (v. 42) about His own wisdom in comparison with that of Solomon, another type of Himself, is precisely similar. No mere man ever equalled or could equal the Hebrew king in wisdom; hence the true words, "Behold a greater than Solomon here," show that He who uttered them was God.

44. In order to explain it further, as we promised above, we will now consider the phrase "the sign of the prophet

Jonas" from another standpoint; *i.e.*, as an instance of a usual form of expression, and not in regard of its intrinsic meaning. The purely exegetical aspect in this case is as interesting as the purely theological one, and, moreover, elucidates it as no other could. So far from the phrase being a far-fetched or obscure one, it was, on the contrary, most familiar and most intelligible to those doctors of the law whom Christ was addressing. Similar expressions, *i.e.*, where the name of the type is employed instead of that of the antitype, are found in some of the most important parts of the Old Testament. They are, in fact, the characteristic formula of a certain class of Messianic prophecies; namely, of those which are at the same time divine explanations of previous typical predictions.

The principle of progression and of development of doctrine is seen here in the gradually clearer revelation of Him who was to be the end of the Law, and the reality of all its shadows and figures. Little by little the dawn increased, till at length appeared the "bright and morning star," whose rising dispelled for ever the darkness of the world. But, before the fulness of time came, those dim mysterious figures, half in light, and half in shade, were known to be such, and their meaning was, at least partially, understood, through explanations vouchsafed elsewhere in the written word. Thus the literal sense was an inspired commentary on the mystical. This all-perfect evolution of revealed truth, and, in consequence, the growing recognition of types and their significance, is a fundamental law of the Christology of the Old Testament. And its study is one of the most instructive and attractive parts of all prophetical exegesis. For the value of the Old Testament itself culminates in its relation to the Messiah, in Whom both kinds of prophecy converge; namely, the greater part of the literal, and the whole of the mystical.

Commentators generally call attention to the progressive definite and clearness of the Messianic prophecies contained in the former; of the revelations, for instance, respectively made to Adam, Noe, Abraham, and David; but they do not commonly point out the corresponding evolution of the



latter. Yet it did not escape the eagle eye of Him, who in such questions is the greatest of interpreters, just as He is the greatest of theologians. He says in the very beginning of the *Summa*: “Nihil sub spirituali sensu continetur fidei necessarium quod Scriptura per litteralem sensum alicubi manifeste non tradat.”

Thus the prophet Ezechiel, speaking of the *Messias*, calls Him “David”:—“And I will set up one shepherd over them, and he shall feed them, even My servant David: he shall feed them, and he shall be their shepherd. And I the Lord will be their God, and My servant David the prince in the midst of them,” &c., xxxiv. 23, 24; and again in xxxvii. 24: “And My servant David shall be king over them.” Ezechiel only does what Osee and Jeremias had done before him:—“And after this the children of Israel shall return, and shall seek the Lord their God, and David their king” (Osee iii. 5). “But they shall serve the Lord their God, and David their king, whom I will raise up to them” (Jer. xxx. 9). Again Isaias calls Him “Israel,” because that patriarch, or the people descended from him, was a type or figure. “And he said to me: Thou art My servant Israel, for in thee will I glory” (xlix. 3). In the same way the prophet Malachy designates the priests of the New Testament as “sons of Levi” (iii. 3), and in the next verse speaks of “the sacrifice of Juda and Jerusalem,” though he had already declared that the Levitical sacrifices would no longer be acceptable, and that in their stead Mass would be offered all over the world by the Gentiles. It may, indeed, be objected that these expressions were employed centuries before our Lord came on earth; but the reply to this is not far to seek. It is evident from the New Testament that the Jews of the period understood the mode of expression just as well as their ancestors did. Thus St. Paul calls Christ, “our Pasch,” (1 Cor. v. 7), and both he and St. John calls the Church “Jerusalem” (Gal. iv. 26. Apoc. xxi. 2). The word of explanation (new) which both Apostles give was evidently added for the sake of the Gentile readers into whose hands these works were to come. They were not required by the Christian Jews. All these examples show that the name

of a type is purposely used, in order to show that it is a type: great, perhaps, in itself; but, after all, a mere shadow of a greater and more glorious reality.

45. Now to apply all this. Christ had a special reason for speaking in the way He did when He called His own Resurrection, "the sign of the prophet Jonas." Every word went home. Not only did He, as on so many other occasions, give the learned in the Law a lesson in interpretation; but he solemnly set His seal for evermore to the mystical prophecy, in order to manifest that it referred exclusively to the two greatest mysteries of His own incarnate existence. The authoritative explanation is so luminous, and so carefully guarded against misconception, that it is no wonder that the passage has been understood in all succeeding ages, and that a large body of truth has been deduced from it by orthodox commentators, and even by heterodox ones, with comparatively few exceptions. Knabenbauer<sup>1</sup> remarks, that Maldonatus, who is followed by about a dozen Rationalists, is, so far as he knows, the only Catholic commentator that denies that the sign of Jonas refers to Christ's death and resurrection. In this writer's view, all that our Lord says merely amounts to this: that He would be to the Jews what Jonas was to the Ninivites, and even more; for it would be a greater wonder that the dead should rise, than that one swallowed by a fish should be set at liberty. Maldonatus' words are: "Respondeo—nihil aliud Christum docere voluisse, quam se esse Judaeis quod Jonas fuerat Ninivitis, eo etiam majorem quo magis est mortuum resurgere quam evomi devoratum, et tamen Ninivitas Jonae credidisse, Judaeos non sibi credere." It is evident that such a comment as this is the veriest trifling with our Lord's solemn declaration, an unconscious attempt to deprive His words of their express meaning. "Bonus aliquando dormitat Homerus;" Knabenbauer argues at great length against Maldonatus; but indeed the latter's efforts to explain away a plain statement are so obviously wrong, that were it not for the author's

<sup>1</sup> Schanz also says that so far as he is aware, Maldonatus stands alone.

great name, the explanation would not deserve to be refuted.

46. Here it will be sufficient to observe that it proceeds from a fundamental misconception of the nature of mystical sense, or from inattention to the signs which always indicate its presence. This singular opinion of Maldonatus is evidently akin to his theory of *iva εκβατικον* and to his propensity for seeing *sensus accomodatus* where it does not exist. Of course he does not venture to say that our Lord accommodates an event of sacred history, by ascribing to it a meaning it never possessed, but he does deprive that event in its application of all its significance. Maldonatus utterly ignores the prophetic character of the Old Testament miracle. Our Lord says only the sign of Jonas shall be given : " As Jonas was three days, &c., so shall the Son of man, &c." Maldonatus says that the drift of these words is not about the Resurrection; that by "sign" our Lord meant not a miracle, but the grounds for the condemnation of the Jews; because while the Ninivites did penance, the Jews refused to believe! According to him, Christ merely institutes a comparison between Himself and Jonas, just as He might have done in respect of any other preacher whose life had been miraculously preserved, and whose words had been heard with greater docility than His own! It is, indeed, true that in vs. 42, Christ alludes to the different reception which He and Jonas respectively met; to the incredulity of those to whom He was sent, and to the simple faith of the repentant Ninivites; but this allusion is, after all, but secondary. In vs. 41, He speaks only of the miracle; and the miracle, not the preaching, is the sign. The words of our Lord are as plain as plain can be, but Maldonatus' *explanation* would put everything into confusion. It fabricates a false meaning for the keyword of the text, and then it turns the text the wrong way. It gives up the most important of all prophecies regarding the most important of all events; and in respect of the inspiration of the book of Jonas, and of its place in the Canon, it creates an insuperable difficulty. If Jonas is not a prophet, what is he? If he does not foretell the Resurrection, what does he foretell? On the

other hand, is our Lord's application of Scripture relevant or not? May men pass it by, and go on to make an interpretation of their own? From Maldonatus to the Rationalists who reject the book, and ridicule the prefigurative miracle it describes, there is only one step, and that a short one. The surrender of the *mystical* meaning of the event leads logically to the invention of the *mythical* meaning of the narrative.

47. How different is the unanimous exposition of the fathers! Maldonatus, indeed, says that St. Hilary holds his opinion, but we need only look at the saint's words to see that Maldonatus *accommodates* him. "Signum deinde rogatur ut praestet, quod se ex Jonae signo daturum esse respondit; et sicut triduo et totidem noctibus Jonas in ceti ventre detentus sit, ita se intra interiora terrae pari spatio demoraturum." It is certain that expressions such as the "sign of Jonas the prophet," or the others mentioned above, if they occurred in the literary works of man, would be only ornaments of style or mere metaphors; but they are not so in the divine book; in it they are a revelation of the deepest mysteries. Man perceives resemblances, but God makes them. Man may discover ingenious historical parallels, but in our passage God unveiled that living image of Himself, which He had formed eight hundred years before in the person of His prophet. Man may at most use figures of speech, but God sometimes expresses Himself in figures of reality.

There is an awful solemnity in those words of Him who is "the faithful and true witness;" the words sound beforehand the knell of the Jewish people; they are a confirmation of Simeon's prophecy:—"Behold this Child is set for the fall and for the resurrection of many in Israel, and for a sign that shall be contradicted." But whether for the weal or woe of individuals, that sign, as in the case of Jonas, would be Himself come back from the dead. The supernatural credentials required for the mission to Ninive were given not in the heavens above, but in the prophet's own person; so the irrefragable proof of Christ's divinity, the miracle of miracles, was to be in the risen Saviour Himself. The

miracle that was to have eternal consequences would be the glorification of that Sacred Humanity which had been so deeply humbled. Christ would be the living testimony to the truth of His own doctrine; the highest of all witnesses to the sublimest of all teaching.

The Pharisees may not have perceived the deeper meaning of His words at the time, but after His death they certainly remembered that on some occasion Christ had said that He would rise again on the third day (Matthew xxvi. 62, 63). And it is far more probable that they referred to the prophecy at present under consideration, which was spoken to themselves, than to the similar one about the temple of His body, which was addressed to the people, and which seems not to have been understood, for St. John finds it necessary to explain it.

48. The great miracle then which stands out by itself in the Old Testament, the event unattended by any immediate consequences adequate to account for it and to reveal its inmost nature, reaches forth to the central event in the New. There it finds its explanation. The sign of the prophet Jonas is accounted for only by the sign of the Resurrection, because one miracle is the counterpart of the other. Every theologian knows the place which the dogma holds among the truths of the Christian religion. Our Lord's glorious triumph over death is the greatest manifestation of His Divinity. On that first Easter morning He received the name which is above all names; in other words, the Man of sorrows was then shown to be the Incarnate Word, and got supreme power over all things, in heaven, on earth, and under the earth. The most transcendent glory possible was due to the obedience of Calvary. Of this fundamental article of belief, only the Apostles were worthy to be the witnesses (Acts i. 22, and x. 41), and they preached it before all else. It is sufficient to refer to Acts iv. 33, &c., or to 1 Cor. xiv. 17, to see that the foremost place was assigned to this dogma. In respect of those to whom the Apostles first preached the Gospel, it is evident from what has been said above, that there was a special reason for giving it this prominence. The Resurrection was the one sign that the

unbelieving Jews were to get; though when Christ thus spoke He was still to work many other miracles, yet He could say that there would be only one for the unbelieving generation, the sign of the prophet Jonas portending virtually the rejection of the Jews. This explanation agrees perfectly with the context (v. 41) in which the men of Ninive are said to condemn them. As regards the Church, made up of believing Jews and Gentiles, the Resurrection was the sign that was to be given of her Spouse's power and majesty, of His creation of the world of grace. Its commemoration was made the Church's day of joy and gladness, her weekly festival; and not only the one festival of her week, but also the greatest of her year. Hence the Church's delight in honouring it; hence of all the wonderful events foretold by the prophets, it is the only one which in the Creed where priests read at Mass, is emphatically said to have taken place "*secundum Scripturas.*"<sup>1</sup>

49. And as it was with the great mystery of the Resurrection, so was it in proportion with the miracle which prefigured it. When the Jews ceased to be God's people, the Catholic Church assumed the office of specially preserving the history of Jonas, as one of the most important of all the Old Testament prophecies. To take one instance of her watchful care, in the catacombs this subject was depicted over many an altar and tomb; on the very earliest sarcophagi it occurs repeatedly; and not to speak of lamps, vases, &c., or of the mural paintings in the crypt of St. Januarius, there is a series of frescoes in the cemetery of St. Calixtus representing the details of the whole occurrence. Such symbolism was the very soul of early Christian art; while it brought before the minds of the faithful in the most vivid way the highest and holiest mysteries, it at the same time veiled them from profane eyes, and secured them from misconception. Had a Pagan got into the catacombs, he would have understood nothing; had an unbelieving Jew found his way there, he would have been reminded of a miraculous history familiar to him from childhood; yet why it should be

<sup>1</sup> See *Catechism Concil Trid.*, p. i., cap. vi., 9, xi.

represented there on all sides, he never could have guessed; but a Christian would at once recognise in it a compendium of Catholic doctrine. The Pagan would have made nothing out of the picture; the Jew would have got only as far as the literal sense; but the Christian would comprehend its mystical meaning. To him the storied wall or sculptured urn would display the greatest truths of faith (the Death and Resurrection of his Saviour, together with the vocation of the Gentiles), and it would fill him with the hope that he too one day should rise to a glorious immortality.

No wonder then that in the early ages of Christianity the most frequent symbol of the Resurrection should be the miracle of Jonas. Later on, when the necessity for the arcanum was over, the figure gradually withdrew into the background, and the great reality itself was brought before the view of the whole world. But the figure has never entirely disappeared: The fathers and doctors of the Church explain the mysterious deliverance with minute care and it remains to the present day one of the Old Testament events which every Catholic has heard about.

REGINALD WALSH, O.P.

## Documents

ADDRESS OF THE PRESIDENT, MASTERS AND STUDENTS OF  
MAYNOOTH COLLEGE TO HIS HOLINESS POPE LEO XIII.  
ON THE OCCASION OF THE COLLEGE CENTENARY.

BEATISSIME PATER,—Nos, Praeses, Magistri, Discipuli, Collegii Manutiani Sancto Patritio dicati centum jam annos ex quo conditum est explentis, jure equidem ad Te. Christi Vicarium fideliumque universorum Patrem, mentes ac corda impensissime convertimus. Ad sacros pedes Sanctitatis vestrae summa humilitate procumbentes, enixe obsecramus ut Tibi acceptum sit nos denuo erga Te, ut filios erga patrem, studium vehementissimum maximumque amorem profiteri, utque digneris benedictionem tuam paternam Apostolicam nobis centesimum collegii natalem celebrantibus benignissime largiri.

Animis quidem gratissimis, Deo optimo summeque misericordi supplicationem solemnem per dies in quos festa nostra saecularia indicta sunt, summa quam poterimus religione caeremoniaque agemus, haud immemores unde collegium nostrum per hos centum annos tantum utilitatis, tot incrementa acceperit. "Omne datum optimum et omne donum perfectum desursum est, descendens a Patre luminum." Primordiis enim ejus, parvis sane verum haud infecundis, ne spes quidem ulla effulgebat res prosperas deinceps tam multas consecuturas esse. Nam furor haereticus, qui in injuriis, privatione, caede nostratum per saecula longa bacchatus est quod tam invicta firmitate et constantia fidei Catholicae Sedique Romanae adhaerebant, saevitia paullo remissa, nondum tamen satis violentus esse desiverat. Sed inde his rebus tam religioni iniquis facies sensim adeo immutata est ut, dum initio vix triginta alumni hospitium in patria sua, "insula Sanctorum," hic habuerint—olim enim, temporibus adversis, nonnisi foris apud Gallos maxime, Belgos, Hispanos, studio litterarum sive sacrarum sive humaniorum adolescentes Hibernos incumbere fas et jura sinebant—hodie demum sexcenti amplius discipuli, nonnulli e singulis in Hibernia dioecesis oriundi, in aulis nostris jam maxime dilatatis congregantur.

Summa porro pietate et reverentia ad hoc Collegium, Almam suam Matrem, respiciunt decora illa atque ornamenta Ecclesiae, Eminentissimus, Cardinalis Primas caeterique fere omnes Praelati Hibernici, atque plurimi denique tum episcopi tum archiepiscopi, qui tanto honore tantoque cum fructu ecclesiis Americanae, Australasiano, Indae, Africae, praesunt. Qui autem in gradibus ministerii inferioribus Deo diligenter deservunt, tum in regionibus his dissitissimis, tum maxime domi, vitae probitate et doctrina praestantes, tam multi sunt in agris spiritualibus messores ut numerus eorum iniri vix posset. Nec pauci sunt praeterea sacerdotes, qui, cum intra parietes nostros artibus humanioribus et scientiis sacris fuissent imbuti, pietate, eruditione, labore, coetibus postea religiosis aut seminariis robur erant et lumen. Qui omnes, quemcumque gradum in ecclesia, sive episcopalem sive sacerdotalem, obtinuerint, sua quisque pro viribus munera studiose obeuntes, hoc uno praecellunt quod fidem patrum suorum integram ac viridem servatam undique disseminant, nec voci successoris Petri aures praebere intentas unquam renuunt.

Quod demum hae arbores in vinea Christi plurimae e seminario nostro translatae tam feliciter, "creverunt fetuque



gravantur," multae nimirum causae, divina Providentia afflante, concinendo effecerunt. Namque, conditum cum collegium sit et in suam amplitudinem hodiernam preductum ut ecclesiae Hibernicae toti presbyteros reddat. Illustrissimorum Episcoporum uniuscujusque pariter interest ut fide, virtutibus, labore, crescat et floreat; unde hi sunt qui collegium regunt et moderantur; scientiis et disciplinae aequae invigilant. Deinde, in gratissima memoria semper habebimus, Teipsum, Sanctissime Pater, tuosque Praedecessores clarissimos iterum atque iterum superioribus professoribusque animos confirmavisse ac viam ad spem certaminis ostendisse. Tibi in primis gratias quam maximas habemus et referimus, eo quod ab ipsis usque initiis Pontificatus tui tam felicitis, tamque fecundi, paternae, erga nos sollicitudinis plurima et summi pretii dedisti documenta. Haud parum sane nobis profuerunt Encyclicae illae quae toti hominum generi tantum spei, doctrinae, commodi, attulerunt, quum principia veritatis de dominio vim patiebantur, et columnae societatis minus firmae videbantur. Praeterea scientiis sacris in collegiis ecclesiasticis pertractandis lumen adhibuisti tam alte penetrans quam lato sese diffundens; unde omnes tuto pede calcare possunt ubi prius nonnihil erat tenebrarum. Sed opus omnium forsitan nobilissimum quibus magis etiam spectandam fecisti Sedem Sancti Petri tuumque ipsius Pontificatum illustrasti, miranda est encyclica illa "De Studio Divinarum Scripturarum," in qua calumnias haereticorum malitiosas et callidas una parte invicte divellisti, dum altera principia sanae exegeseos testimoniaque traditionis inculcasti. Merito insuper pacis princeps haberis diffusis per orbem terrarum gentibus; homines autem singulos ut pacem cum Deo assidue colerent, stimulis mollibus incitasti exercitia quaedam spiritualia gratissima et ad usum popularem accommodata etiam atque etiam urgendo indulgentiisque amplissimis cumulando. Postremo, ecclesiae in universum ita prospexisti ut plausum, admirationem, gratias omnium jure consecutus sis.

Atvero ex intimo corde laetamur gratesque agimus quod nostro seminario tanta indicia benevolentiae ac sollicitudinis vestrae decem his amplius annis praestitisti, tum honoribus ac muneribus conferendis, tuum curriculo studiorum reformando.

Precibus sollicitis iteratisque Deum imploramus, ut salvus et servatus diu "Lumen in caelis" nitorem eruditionis tuae latius in dies diffundas, benignitate et sapientia errantes concilies, Sedem sanctissimam, ecclesiarum omnium Caput, in plurimos annos ornes.

Pedes tuos igitur deosculantes Sanctitatem vestram ut hac occasione felici faustaque Benedictionem Apostolicam largiatur iterum supplices oramus.

**Sanctitatis Vestrae Humillimi et Addictissimi Filii et Famuli.**

DIONYSIUS GARGAN., S.T.D., Pracl. Domest. s.s. Praeses.

THOMAS O'DEA, S.T.D., Propraeses.

PATRITIUS O'LEARY, Decanus.

THOMAS P. GILMARTIN, Decanus.

JACOBUS M'GINLEY, Decanus.

JOANNES MYERS, Pater Spiritualis.

JACOBUS CARPENTER, Pater Spiritualis.

JACOBUS DONNELLAN, Procurator.

GUALTERUS M'DONALD, S.T.D., Praefectus, Seniorum Alumn.

DANIEL COGHLAN, S.T.D., Professor S. Theologiae.

MICHAEL FOGARTY, S.T.D., Professor S. Theologiae.

JOSEPHUS M'RORY, S.T.D., Professor S. Scripturae, et Ling. Hebr.

DANIEL MANNIX, Professor S. Theologiae.

DANIEL O'LOAN, Professor Hist. Eccl.

JOANNES HARTY, Vice Professoris S. Theologiae.

FRANCISCUS LENNON, S.T.D., Professor Philos. Natur.

MICHAEL BARRETT, Professor Log. Metaphys. et Ethicae.

PATRITIUS MARSHALL, Vice Professoris Log. Metaphys. et Ethicae.

EDVARDUS MAGUIRE, S.T.D., Professor Rhetoricae.

JOANNES F. HOGAN, Professor Ling. Gall. Ital. et Germ.

✠ JOANNES CLANCY (Eps. Elphin), Professor Ling. Anglic.

EUGENIUS O'GROWNEY, Professor Ling. Hibernicae.

HENRICUS BEWERUNGE, Professor Sacrae Musicae.

JOANNES HARTY, Nomine Seniorum Alumnorum.

DANIEL O'SULLIVAN, Nomine 610 Condiscipulorum.

#### REPLY OF HIS HOLINESS.

DILECTO FILIO, DIONYSIO GARGAN, DOMUS NOSTRA ANTISTITE,  
COLLEGIO MANUTI PRAESIDI.

#### LEO P.P. XIII.

Dilecte Fili, Salutem et Apostolicam Benedictionem, Praecipua Equidem caritate multipliceque benevolentiae testimonio Manu-

tianum Collegium vestrum per exactae Pontificatus Nostri tempora prosequendum censuimus. Et sane merito; quod fructus uberes in rei Catholicae tuitionem et incrementem ex eo percipi pervidebamus tum in religiosissima gente vestra tum etiam apud externos populos.

Eapropter quum de Centesimo Collegii Natali sollemniter propediem celebrando nuncium ad Nos dederitis, placet letitiae vestrae Nos esse participes atque hoc litterarum indicio propensam voluntatem Nostram iterum patefacere. Quamobrem largitori honorum omnium Deo Nos etiam ex animo habemus gratias, quod Exigua Seminarii istius initia per ardua aetatum in tantum honoris virtutisque amplitudinem provexit.

Opprecamur autem ut ulterius provehat. Gratulationes demum Nostras et faustitatis vota apostolica comitatur benedictio, quam ex intimo animi affectu tibi, Dilecte Fili, moderatoribus Seminarii caeteris, Doctoribus alumnisque universis in Domino impertimur.

Datum Romae apud S. Petrum die x Junii anno MDCCCXCV., Pontificatus Nostri decimo octavo.

LEO P.P. XIII.

#### SOME IMPORTANT DECREES OF THE CONGREGATION OF RITES

Among the decrees of the Congregation of Rites printed below there are some of general interest, and others which in themselves are of merely local interest. But even these latter are important to the student of sacred liturgy, inasmuch as they enunciate principles of general application. To this class belong the two decrees of March 28. For though the questions which elicited them regard particular feasts in a particular diocese, there can be no doubt that these decisions should regulate all similar cases.

The general decrees for the most part regard questions connected with the Divine Office, and decide some points about which hitherto a difference of opinion existed. For instance, in No. 5 it is decided that the commemoration of the Cross, which on semi-doubles during Paschal time takes the place of the common commemorations, or *suffragia*, is not to be said on a day on which the Votive Office of the

Blessed Sacrament is recited. This decision is evidently based on the broad rubrical principle that two commemorations of the same saint or mystery should not be made in the same part of the office on the same day; for the prayer of the Blessed Sacrament as well as the prayer said in the commemoration of the Cross refers to the Passion of our Divine Redeemer. We are glad that this question has been decided by the Congregation of Rites, for there were some who refused to admit that the rubrical principle of identity was applicable as between the mystery of the Blessed Eucharist and the mystery of the Passion, and who accused the editors of directories of error when they applied this principle to these mysteries.

The seventh decree is the only other one to which we shall call special attention, though every one of them is both interesting and important. This decree, like the one we have just referred to, gives the sanction of a law to what was an almost obvious inference from recognised principles. As has just been stated, the prayer of the Blessed Sacrament refers to the Passion; hence, when the Votive Office of the Blessed Sacrament concurs with one of the offices of the Passion which are of higher rite, and therefore have the entire Vespers, no commemoration is made of the Office of the Blessed Sacrament. But in the Office of the Blessed Sacrament the hymns have the special termination *Jesu . . . qui natus es*, and several of the Offices of the Passion such as those mentioned in the question, have no special termination for the hymns. The question then arises, are the hymns in Vespers and Compline to have the special termination due to the Office of the Blessed Sacrament just as if this office had been commemorated in Vespers, or are they to have the common termination? This question should never, we think, have created much difficulty. When a feast having a special doxology, as the last strophe of the hymns is termed, is followed by another which has no special doxology, the rule is that the hymn in Vespers—provided it be of the same metre—and the hymn in Compline have the special doxology when the preceding feast has even a commemoration in Vespers; if it has no

commemoration in Vespers, then the hymns in both Vespers and Compline have the common termination. Now, though in the case under discussion the Office of the Blessed Sacrament has no commemoration in Vespers, the second part of the rule obviously does not apply; for the rule contemplates the case in which the *rite* of the following feast excludes the commemoration of the preceding, not a case such as the present in which the commemoration is excluded by what we have called the identity of the concurring mysteries. And since, judging merely by the *rite* of the two offices, that of the Blessed Sacrament has a claim to a commemoration in Vespers, it is sufficiently plain that it has also a claim to whatever is consequent on this commemoration; and, moreover, as the reason which excludes the commemoration in no way applies to the termination of the hymns, it follows that the hymns in Vespers and Compline should have the special termination due to the Office of the Blessed Sacrament.

## EX S. CONGREGATIONE RITUUM

## ROMANA. DUBIA VARIA

*Die 5 Februarii, 1895.*

Sacrorum Rituum Congregationi insequentia dubia fuere proposita :

*Dub. I.* S. R. C. per Decretum *Lycien.* 4 Aprilis 1705 ad V. declaravit, Officia Sanctorum ad libitum esse omittenda, si ab aliquo Officio Dominicae anticipandae impediuntur. Idem statutum legitur in recentiori Decreto *Namurcen.* 29 Maii 1885 ad I. Hinc quaeritur : Utrum Officium Dominicae anticipandae impedia. quoque recitationem Officii Votivi ad libitum ex iis, quae Ssm̃s Dominus Noster Leo Papa XIII. nuper indulsit?

*Dub. II.* Caeremoniale Episcoporum lib. II., cap. III., n. XVII. docet : “ In duplicibus . . . minoribus, semiduplicibus et feriis non oportet Celebrantem (*ad Vesperas*) esse paratum, nec fieri thurificationes.” Hinc quaeritur : An quando solus Celebrans paratus est sine Ministris, thurificationes in Vesperis fieri debeant, an tantum fieri possint, uti videtur innuere Decretum Ord. Min. de Observantia 16 Aprilis 1853 ad XXV.?

*Dub. III.* Quatenam sequendae normae in coniungendi Hymnis Sanctorum propriis, si habeantur in Breviario, quando relativa festa primis Vesperis carent?

*Dub. IV.* Si. feria VI. post Octavam Ascensionis occurrat duplex 2 classis, quemadmodum omittenda est eiusdem Feriae commemoratio in Laudibus et Missa, omittine debet etiam in secundis Vesperis?

*Dub. V.* Cum commemoratio Crucis, tempore paschali, in Officio votivo de Passione fieri non debeat, eadem commemoratio omittendane est etiam in Officio votivo de Eucharistia, si tempore paschali recitetur?

*Dub. VI.* In Laudibus et Missa S. Agapiti P. C., die 20 Septembris, si facienda quoque sit commemoratio Vigiliae S. Matthaei Apostoli, quum pro S. Pontifice et pro Vigilia eadem habeatur Oratio, quaenam ex duabus mutanda?

*Dub. VII.* Quando Feria V. fit Officium votivum de Sanctissimo Sacramento, et Feria VI. agendum est de Sacra Spinea Corona, vel de Sacratissima Sindone D. N. I. C., quum in primis Vesperis commemoratio Ss<sup>mi</sup> Sacramenti sit omittenda, dicine debet doxologia eiusdem Sacramenti propria in hymnis eiusdem metri, sive ad secundas Vesperas, sive ad Completorium?

*Dub. VIII.* Quando in Vigilia Pentecostes occurrit Officium Sancti ad instar simplicis redigendum, legine debet eius nona lectio si sit historica ad Matutinum, uti ante reformationem Rubricarum faciendum erat?

*Dub. IX.* Quandoque in diem 20 Decembris incidunt simul Vigilia S. Thomae Apostoli et Feria IV. Temporum, cuius Evangelium legi quidem deberet in Missa, sed non potest, quia idem est ac Evangelium festi quod recolitur. Hinc quaeritur: An legi tunc debeat in fine Missae Evangelium Vigiliae, an potius S. Ioannis?

Sacra porro Rituum Congregatio, ad relationem infrascripti Secretarii, re mature perpensa, ita propositis Dubiis rescribendum censuit, videlicet:

Ad I. *Affirmative.*

Ad II. *Affirmative ad primum: negative ad secundum.*

Ad III. *Hymnus Vesperarum coniungendus est cum altero ad Matutinum, quoties eodem metro uterque gaudet, et secundus est continuatio primi: quod si ordo historicus alius requirat, servetur Decretum Lincien. 3 Iun. 1892 ad XVII. (1).*

Ad IV. *Negative.*

Ad V. *Affirmative.*

Ad VI. *In casu, aliisque similibus Missa Statuit pro S. Pontifice et Confessore mutetur in aliam Sacerdotes.*

Ad VII. *Affirmative.*

Ad VIII. *Affirmative.*

Ad IX. *Affirmative ad primam partem: negative ad secundam.* Atque ita rescripsit, et servari mandavit, die 5 Februarii 1895.

C. CARD. ALOISI-MASELLA, S. R. C. *Praefectus.*

L. ♣ S.

ALOISIUS TRIPEPI, S. R. C. *Secretarius.*

BRUGEM. QUOAD TITULAREM ECCLESIAE.

*Die 14 Martii, 1895.*

Rñus Dñus Petrus de Brabandere Episcopus Brugen. liturgicis praescriptionibus sese per omnia conformare cupiens, sequens Dubium pro opportuna declaratione Sacrorum Rituum Congregationi humillime subiecit, nimirum :

Ex Litteris Apostolicis S. M. Gregorii Papae XVI., datis sub die 27 Maii 1834, Ecclesia Cathedralis Brugen. sub invocatione SSñi Salvatoris et S. Donatiani Episc. Conf. nuncupatur; cuius in ara principe habetur tabula referens Christum e sepulcro resurgentem, itemque simile simulacrum ipsi altari imminens. Unde sunt qui autumant Titularem eiusdem Ecclesia esse Resurrectionem, non vero Transfigurationem D. N. I. C. uti statuitur ex Decretis pro Ecclesiis, quae Titulo gaudent SSñi Salvatoris.

Quaeritur igitur, an in casu Resurrectio D. N. I. C. habenda ceu Titularis dictae Ecclesiae, eiusque commemoratio facienda in suffragiis, et quibusnam Antiphonis ac Versiculis? An verò Capitulum et Clerus, uti nusquam actum est praeteritis saeculis, ita posthac negligere valeant eiusmodi titulum; quamvis festum S. Donatiani, tamquam patroni aequae principalis quotannis, ritu duplici primae classis cum octava, soleant recolere?

Sacra vero Rituum Congregatio, ad relationem infrascripti Secretarii, exquisito voto alterius ex Apostolicarum Caeremoniarum Magistris, re mature perpensa, ita proposito Dubio rescribendum censuit, videlicet: Festum Titulare Ecclesiae Cathedralis Brugensis est festum Transfigurationis D. N. I. C., ideoque commemoratio praeponenda suffragiis Sanctorum sumenda est ex Antiphonis et Versiculis ad *Benedictus* in Laudibus et ad *Magnificat* in secundis Vesperis cum Oratione propria illius festivitatis: retento aequae Titulari S. Donatiano Episcopo Confessore. Atque ita rescripsit, declaravit et servari mandavit. Die 14 Martii 1895.

C. CARD. ALOISI-MASELLA, S. R. C., *Praefectus.*

L. ♣ S.

ALOISIUS TRIPEPI, S. R. C., *Secretarius.*

## CADURCEN. QUOAD PATRONUM ECCLESIAE

Die 28 Martii, 1895.

R. D. Paulus Devèze, Vicarius in spiritualibus generalis Rmi Episcopi Cadurcensis, in Galliis, exposuit quae sequuntur :

In Kalendario Cadurcensi a S. Rituum Congregatione approbato die 29 Aprilis 1894. Festum S. Genulphi Confessoris primi Cadurcensis Episcopi, sub ritu Duplicis primae classis cum octava, affixum fuit diei 17 Ianuarii : et festum S. Antonii Abbatis translatum fuit in diem 19 eiusdem mensis, tamquam in sedem propriam. Item festum SS. Martyrum Crispini et Crispiniani assignatum fuit, sub ritu semiduplici, diei 27 Octobris ; quoniam die 25 eiusdem mensis celebratur, sub ritu duplici, Festum S. Capuani, Episcopi Cadurcensis, Confessoris.—At exinde oriuntur dubia pro ecclesiis, quarum Beati illi sunt Patroni aut Titulares : ideo Sacerdos Orator rogat Sacram Rituum Congregationem pro solutione insequentium dubiorum :

I. Ecclesiae, quarum S. Antonius Abbas, in dioecesi Cadurcensi, est Patronus vel Titularis, debentne illius Festum celebrare, sub ritu duplici primae classis cum octava, incipiendo a die 19 Ianuarii in Kalendario, ut supra approbato ; vel incipiendo a die 17 Ianuarii, die dormitionis S. Antonii, Festo S. Genulphi cum sua octava ad diem aliam translato ?

II. Ecclesiae eiusdem Dioeceseos, quarum SS. Martyres Crispinus et Crispinianus sunt Patroni vel Titulares, tenenturne illorum Festum celebrare sub ritu duplici primae classis cum octava, incipiendo a die 25 eiusdem m. in qua inscripti sunt in Martyrologio Romano ?

Sacra autem Rituum Congregatio, exquisita prius in scriptis sententia alterius ex Apostolicarum Caeremoniarum Magistris, referente infrascripto Secretario, et omnibus mature perpensis, rescribendum censuit :

Ad 1<sup>um</sup> : Festum S. Antonii Abbatis in Dioecesi Cadurcensi fiat die decimanona Ianuarii, tanquam assignata, etiam in Ecclesiis ubi S. Abbas est Patronus aut Titularis.

Ad 2<sup>um</sup> : In Ecclesiis eiusdem Dioecesis, quarum Patroni aut Titulares sunt SS. Crispinus et Crispinianus, eorum festum celebretur die propria.

Atque ita rescripsit et servari mandavit. Die 33 Martii 1895.

C. CARD. ALOISI-MASELLA, S. R. C., Praefectus.

L. ✕ S

et

ALOISIUS TRIPEPI, Secretarius.



## Notices of Books

**APOLOGETICA DE AEQUIPROBABILISMO ALPHONSIANO.**  
**HISTORICO-PHILOSOPHICA DISSERTATIO JUXTA PRIN-**  
**CIPIA ANGELICI DOCTORIS. P. J. De Caigny, C.SS.R.**  
 Tornaci : H. & L. Castermann.

THE philosophical defence of Aequiprobabilism has received a skilful, interesting, and instructive treatment from Fr. De Caigny. He treats of the subject with great fulness, giving us chapters on the different states of the mind with regard to truth, the nature of certainty, &c. The objections against Aequiprobabilism, to which, naturally, he devotes most of his attention, are those advanced from the point of view of Probabilism, and in his treatment of them he shows great dialectical ability. We must say that our author succeeds in making a very strong case in favour of his system. The keystone of his defence seems to us to be the doctrine that even on direct principles prudence binds us to make up our minds in practice that an obligation exists; when speculatively considered, its existence is clearly more probable. He holds that in such a case, if there is a question merely of liceity, we are bound to set aside all fear of error, as imprudent, and be morally certain in practice of the liceity of that line of action which speculatively is to such an extent more probable than its opposite, that this excess of probability is evident and recognised by all. He holds, then, that, in the practical consideration of practical questions, there is no room for opinion, but the mind's state must be either that of certainty or that of doubt. Hence, he is able to conclude immediately that if the opinion in favour of the liceity of an act is much more probable than the opposite, then the liceity becomes, even on direct principles, practically certain; and, consequently, the opposite opinion becomes practically improbable; so, too, with regard to the illicity. It is easy to see of what importance this doctrine is to our author in his defence of Aequiprobabilism. We may not enter into a discussion of the validity of this doctrine itself, but we may say that a good deal can be said in favour of it, and not a little against it.

In the historical portion of the work our author proves well that about the year 1762 the principles on which St. Alphonsus

decided questions of probability suffered a change, and from being a pure Probabilist he became an Aequiprobabilist.

We feel justified in saying that those who take an interest in this important question will be well repaid by a perusal of Fr. De Caigny's work. P. M.

HOPE IN THE MERCY OF GOD. Translated from the Italian work, *Tesori di Confidenza in Dio*, by K. G., with a Preface by Fr. Gallwey, S.J. London: Burns & Oates.

THE *Tesori di Confidenza in Dio* is not translated in full here. We have only the second part, which contains a solution of those difficulties that occur either to people who are inclined to take despairing views of their chance of salvation, or to those who wish to cavil at Catholic dogma as cruel and gloomy, on the ground that it holds out no practical hope of attaining to eternal happiness.

The majority of the difficulties solved are taken from Scripture, and to mention but a few, include those drawn from such texts as Ex. x. 1: "I have hardened the heart of Pharaoh, that I may work these My signs in him." Matt. xx. 16: "Many are called, but few are chosen." Matt. vii. 14: "How narrow is the gate, and straight the way that leadeth to life, and few there are that find it," &c. The solutions show a very wide acquaintance with the commentators and the fathers, and are of such worth as to warrant us in saying that the translator has done an excellent work in giving them to us in English. P. M.

THE CHURCH IN ENGLAND, A.D. 1509-1603. Mary H. Allies. London: Burns & Oates.

We have in this book a valuable and interesting study on the most momentous period in the history of the Catholic Church in England. Our author depicts the characters and aims of the authors of the English Reformation in colours that must appear startling to Protestants that know them, but from the narrative of historians grossly prejudiced in their favour. The English Reformers were not indeed the men to whom one could point with pleasure and pride as the virtual authors of one's religion. The numerous references throughout the book, with the long list given in the appendix of the authorities that were

consulted, form a proof that everything stated in it is well founded; nay, more, that it is itself an authority to which one might refer without fear of contradiction.

**SOME SIDE LIGHTS ON THE OXFORD MOVEMENT.** By "Minima Parspartis. London and Leamington: Art and Book Company.

THIS book is an account of the conversion of an English lady at the time of the Oxford Movement, and is written by the lady herself. She belonged to certain High Church circles which were deeply stirred by the movement, and she was acquainted with not a few of those who were more or less prominent in connection with it. Her book is an excellent reflection of the views held by the people among whom she lived, regarding the Catholic Church and its doctrines. Owing to the realistic manner in which her life is set before one, and to the possession of certain dramatic qualities, the book has much of the interest of a novel, and is written in an easy, almost chatty style. We must not omit to mention that she numbered among her best friends, Aubrey de Vere, and that she has inserted in her book many of his letters to her regarding the truth of the Catholic Church, and other religious subjects.

P. M.

**COMPENDIUM SACRAE LITURGIAE, JUXTA RITUM ROMANUM**  
Scripsit, P. Innocentus Wapelhorst, O.S.F., S. Theol.  
Lector, Olim Rector, Sem. Salesiani, et S. Liturg.  
Professor. Editio Quinta-Emendatoria, Neo-Eboraci,  
Cincinnati. Chicago: Benziger Brothers.

WE are happy to draw the attention of the clergy to this fifth edition of Father Wapelhorst's *Compendium of Sacred Liturgy*, which has made rapid advances to the front rank amongst the best works of its kind. One of the advantages of Father Wapelhorst's work is that it is so succinct and at the same time so complete. Nothing is left out that a priest requires to know for the practical discharge of his duties. The explanations and directions are clear, concise, and up to date. The most recent decrees of the Congregation of Rites are well known to the author, and applied with precision and care to the solution of points hitherto disputed and doubtful. Its brevity will prove rather an excellence than a defect in the eyes of those who want

merely to know what has to be done at any given ceremony, and have no time to spare. The author wastes no words. He gives the directions of the Church, such as he understands them, briefly and, for the most part, without comment. The *Compendium* will prove a valuable acquisition to the library of any priest.

REVEALED RELIGION. From the "Apologie des Christenthums" of Franz Hettinger, D.D., Professor of Theology, University of Wurzburg. Edited, with an Introduction on the "Assent of Faith," by Henry Sebastian Bowden, of the Oratory. London: Burns & Oates, Limited.

THIS is a clear and scientific exposition of some of the fundamental truths of our holy religion. Dr. Hettinger first treats of the possibility of revelation, and points to the superstitions of pre-Christian peoples to show its necessity. He proves the credibility of the Gospels from external and internal evidence, and develops both arguments in a very masterly fashion. Equally forcible are the chapters on the significance of miracles and prophecies to attest a divine commission, and, as a consequence, the divinity of Christ, and the nature of the Church which He established. An introductory chapter, by Father Bowden, on the "Assent of Faith," and a refutation of the "Tübingen Theory," by Father Cator, form a worthy addition to such a work. We can recommend the book to all Catholics who would have a concise and effective defence of their faith against the specious objections of modern rationalists.

D. O'C.

# THE IRISH ECCLESIASTICAL RECORD

OCTOBER, 1895

## IRISH MONASTERIES IN GERMANY

### WÜRZBURG

THE first offshoot of the great Irish monastery of St. James, at Ratisbon, was that established at Würzburg, in 1134. Fortunately, a short sketch of the history of this establishment has been handed down to us by the illustrious Trithemius of Spanheim.<sup>1</sup> No man was in a better position to collect whatever tradition had preserved, or local records could impart, regarding its foundation and history; for when he made up his mind not to return to the ungrateful monks of Spanheim, he took refuge within its walls, and died as its abbot, in 1516. When, therefore, he undertook to write an account of the establishment, we may feel quite certain that he spared no pains to secure all the information that could be acquired about the old Irish settlement, whether at the monastery itself, or in the other religious houses and secular archives of the country.

According to his chronicle, Embricho, Bishop of Würzburg, having met, at Mayence, an Irish monk named Christian, and having been urged by him to found a monastery for Irish monks, at Würzburg, through devotion and gratitude to St. Kilian, gave his consent, and issued the foundation charter given by Trithemius. The Christian

<sup>1</sup>*Chronicon Monasterii Sancti Jacobi Ord. S. Ben. suburbio Urbis Herbipolitanae*, included in the *Opera Spirituality* of Trithemius, published by Joannes Busaeus, S.J.; Mogunt, 1607; also *Chronicon Hirsauigense*, by same author.

mentioned in this charter was no other than the Abbot of St. James's, at Ratisbon, who now sent one of the most experienced of his monks to open the new establishment. This was Macarius,<sup>1</sup> who was known all over Ireland, and who thus became the founder and first abbot of St. James's at Würzburg. Macarius brought with him a few of his brethren from Ratisbon, and was subsequently joined by a colony from Ireland, and by some of the Irish scholars scattered over Germany. Of these latter, the most famous was David, the historiographer, whose voluminous works are enumerated by Trithemius,<sup>2</sup> and whose name is mentioned by nearly all the historians of this period of German history. Macarius acquired a great reputation for sanctity, at Würzburg. Several miracles are attributed to his intercession. An old legend, transmitted by Trithemius, tells how the angels sang in sweetest melody at the hour of his death, and how their voices were heard by the astonished monks.<sup>3</sup> Before his departure, the house was well established.

The monastery of St. James at Würzburg seems to have followed exactly the same vicissitudes as the parent house at Ratisbon, except that when it fell into decay it was handed over to German Benedictines. This occurred in the end of the fifteenth century, not long before the time of Trithemius.

<sup>1</sup>The following account of the foundation is given in the *Vita Mariani*:—"Quapropter felix Patriarcha Herbipolensis Ecclesiae Episcopus Hainricus locum cellae et agros sufficienter usibus fratrum in suburbio Herbipolensi, Dei ac Sti. Kiliani cognatione, hilari devotione, plaudente populo, Scotis concessit. Ad quem locum regendum cum aliquot fratribus virum Deo plenum Macarium, in lege divina doctissimum utque diutinis liberalium artium studiis per totam Hiberniam celeberrimum, Abbas Christianus Ratisbonensium Scotorum in Abbatem direxit."

<sup>2</sup>*De Gestis Henrici Regis Quinti per Italiam Libri Tres, De Purgatorio Patritii, In Canticum Canticorum, De Grammatica, In Perihermenias Aristotelis*, etc.

<sup>3</sup>The following is the record of the death of Macarius in the *Annales Hirsangenses*, i., p. 425:—

"Mortuus est Sanctus Macarius, primus Abbas, Monasterii mei, St. Apostoli Jacobi Majoris suburbano Herbipolensis Civitatis, in; cujus transitu voces audiebantur Sanctorum Angelorum, dulce melos cantantium Sepultus est in Capella S. Jacobi, primo sub lapide juxta murum elevato cum tali inscriptione. 'Hic Jacet Macarius Primus Abbas hujus loci per quem Omnipotens Deus vinum in aquam convertit.'"

But in the days of its prosperity it did a great deal of civilizing work, and grew to large proportions. Its long and venerable line of Celtic abbots is fortunately preserved. We give their names below, with the term of years during which they held office, convinced that they deserve a place in any record of the achievements of Ireland's ancient missionaries.<sup>1</sup>

#### NUREMBURG

We are also fortunate in possessing a very ancient account of the Irish monastery of St. Egidius at Nuremburg. It was written by one of the Celtic monks of the same house, who bore the Irish name of Colman. Colman's chronicle was preserved by Hartmann Schedel, the historiographer of Nuremburg, and was taken from him by Oefelius, who incorporated it in his monumental work, *Rerum Boicarum Scriptores*.<sup>2</sup>

The first abbot of the monastery of St. Egidius was *Carus*,<sup>3</sup> who had been prior of St. James's at Ratisbon, and who, on account of his pious character and deep learning, had been selected as chaplain and confessor by King Conrad and Queen Gertrude. The King,<sup>4</sup> having resolved to start

<sup>1</sup> Macarius (Suirgech), 1134-1153; Christianus (Gilla-Crist), 1153-1179; Eugenius (Eoghan), 1197-1200; Gregory (Gregoir), 1200-1213; Mathaeus (Matha), 1213-1215; Teclan (Declan), 1215-1217; Elias (Ailill), 1217-1223; Coelestinus (Neman), 1223-1234; Gerardus, 1234-1242; John I. (Eoin), 1245-1253; John II., 1253-1274; Maricius (Muiredach), 1274-1298; Johel (Joel), 1298-1306; Elias II., 1306-1318; John III., 1318-1335; Michaelas (Mica), 1335-1341; Philip I. (Pilip), 1341-1361; Donaldus (Domhnall), 1361-1385; Timotheus (Timnen), 1385-1399; Imar, 1399-1403; Rutger (Domhnall), 1403-1417; Thomas I., 1417-1437; Roricus (Ruadhri), 1437-1447; Alanus (Aileni), 1447-1455; Mauricius II., 1455-1461; John IV., 1461-1463; Otto (Aedh), 1463-1465; Thaddaeus (Tadhg), 1465-1475; David (Dathe), 1475-1483; Thomas II., 1483-1494; Edmund (Ennim), 1494-1496; Philip II., 1496-1497. The Irish equivalents are supplied by Reeves, *Ulster Journal of Archaeology*, vol. vii., p. 309.

<sup>2</sup> Vol. i., p. 349.

<sup>3</sup> The successors of Carus as Abbots of St. Egidius were:—Mauritius, Dedanus, Gelasius, Thomas, Henricus, Martinus, Stephanus, Malachias, Jacobus. Donaldus, Trinotus, Gregorius, Alanus, Firmanus, Wilhelmus, Donaldus, Ymarus, Philippus, Mauritius.

<sup>4</sup> "Conradus Suevorum Dux quipaulo ante defuncto Lothario in Romanorum regem declaratus, ducendae in Asiam expeditionis munus assumpsit. Ante vero novae expeditionis congregandae adorem, cum diruta esset

for the Holy Land on the crusades that were then being carried on, determined, before his departure, to found a house of prayer and worship, in which his own efforts might be seconded. For this purpose he asked for the assistance and co-operation of Carus and his Irish brethren, which was readily granted. The monastery of St. Egidius took a prominent place from that forward amongst the Irish foundations in Germany. The list of its abbots was given by Father Colman up to the time he wrote, and all the earlier writers who mention the monastery speak of it in the highest admiration. We find in Oefelius a curious specimen of early German, being the last will and testament of the Empress Elizabeth Augusta, wife of Albert I., who bequeathed a legacy to the monastery, in order that Mass might be offered up perpetually for the repose of her soul. As in Ratisbon, generous donations were made by the people to the pilgrim monks, who were long held in the highest esteem. But circumstances similar to those we have mentioned in connection with the old house at Ratisbon brought about the decline and final dissolution of the Irish establishment of St. Egidius. German monks were introduced into it by the bishop from the monastery of Reichenbach, in the Black Forest, in 1418.

#### VIENNA

It was Henry, the first Duke of Austria, who invited the Irish monks of Ratisbon with whom he had become intimately acquainted, to found the famous Schottenkloster of Vienna, in the year 1158. He had founded and fortified a castle at Vienna, and now required an institution which would minister to the spiritual wants of the increasing population. A mild and saintly monk named *Sanctinus* was chosen to be the head of the new foundation. The foundation charter was duly drawn up, and a temporary residence provided for the monks. In the charter, Henry

Norimberger per Henricum Imperatorem inclytus rex restorationem prius perfecit et Monasterium Sancti Egidii Norimbergae aedificari ordinavit. Karus, Primus Abbas Monasterii, discipulus Beati Mariani Scotorum Ratisbonae," &c., &c.



formally declared that the new institution was to be directed and inhabited solely by Irishmen.<sup>1</sup> Having been called away by Frederick Barbarossa<sup>2</sup> to the wars in Italy before the new monastery was built, the Duke, on his return, gave immediate attention to his religious project, and issued a new charter to Sanctinus and his brethren.<sup>3</sup>

The monastery of Vienna, which was dedicated to our Blessed Lady, soon acquired extensive possessions, and for centuries did a corresponding amount of good. It was, from the beginning, the centre of religious life in Vienna. Around it the city grew, and with it the earliest religious associations of a great part of the city population were linked. Though no longer in the hands of Irish monks, it is not unmindful of its origin, and its present illustrious abbot, Dr. Ernest Hanswirth, in the history of the establishment which he has written, tells in eloquent words of the virtues and the achievements of its Irish founders. The list of its Irish abbots given by him is appended beneath.<sup>4</sup> They extend from 1158 to 1418.

The grateful monks of the Schottenkloster have ever cherished the memory of the illustrious Duke who first brought them to Vienna, and who, by his own desire, was buried in their church with his wife, Theodora, and his

<sup>1</sup> "Sub monastica regula ad eandem nostram fundationem novellam solos elegimus Hibernienses." (*Vide* Pez. *Codex Diplomaticus*, col. 384 and 436.)

<sup>2</sup> "Abriss einer Geschichte der Benedictiner Abtei U.L.F. zu den Schotten in Wien." Von dem Kapitular-Priestes und Archivar, Dr. Ernest Hanswirth, page 3.

<sup>3</sup> "Hunc itaque locum tradimus cum omni legitimæ plenitudine potestatis et integra potestate liberæ ordinationis possidendum atque regendum cum universis mobilibus et immobilibus Sanctino Scotto, Venerabili Abbati necnon religiosissimo Scottorum Monachorum Conventue," &c. (*Vide* Pez., l.c.)

<sup>4</sup> Sanctinus, 1158-1169; Finan, 1169-1195; Gregory, 1195-1202; Ulrich, 1202-1204; Marcus I., 1204-1208; Matthæus, 1208-1220; Marcus II., 1220-1230; Dirmicius, 1230-1235; Felix, 1235-1247; Philip, 1248-1269; John I., 1269-1273; Thomas, 1273-1274; John II., 1274; William I., 1274-1280; Thomas II., 1280-1286; William II., 1286-1309; Nicholas I., 1309-1318; John III., 1318-1319; Maurice, 1320-1337; Henry, 1337-1343; Nicholas, 1343-1346; Philip, 1346-1347; David, 1347-1348; William, 1348-1349; Clement, 1349-1372; Donat, 1372-1380; Donald, 1380-1392; Henry, 1392-1399; Patrick, 1399-1400; Albert, 1400-1401; John IV., 1401-1403; Thomas III., 1403-1418.

daughter, Agnes.<sup>1</sup> The great number of ecclesiastics and princes buried in the church, or in the monastic grounds of the Schottenkloster, shows the esteem and veneration in which its monks were held. Here, in the thirteenth century, were buried Egbert, Bishop of Bamberg and Stadtholder of Vienna; and alongside him, according to Aventinus, the munificent Pfalzgraf von Wittelsbach. Great dukes and wealthy merchants vied with one another in their efforts to secure a vault in the precincts of the monastery, where they would be remembered for ever in the prayers of the monks.

But here again, as in the cases of the other Celtic monasteries, the troubles that overwhelmed Ireland, seriously interfered with the welfare of the establishment. An inferior class of monks was sent out from Ireland and Scotland. Many of them, mere adventurers, who went for amusement or for profit; for a mercantile spirit had gradually taken possession of the community. They did a large trade in furs and skins and Jewish wares. They got up amusements for the people, such as ball-playing, boat-tilting, and even dances. They soon allowed the building to go to ruin, pawned the chalices and vestments, and even the bells of the tower. Such, at all events, is the testimony of a contemporary writer named John Rash, who was organist of the monastery, and whose account of its life and spirit is incorporated in Hormayr's *History of Vienna*.<sup>2</sup> It is possible that his picture may have been overdrawn; but it is quite certain that laxity had set in to an alarming extent. So much was this the case, that Albert, Duke of Austria, at the urgent request of Nicholas Dinkelsbühl, Rector of the University of Vienna, made application to Pope Martin V., in 1418, to allow native monks to be introduced at Vienna along with

<sup>1</sup> Cf. Hormayr's *History of Vienna*, vol. iii., pp. 18 and 19. Abbot Hauswirth writes of this pious Prince: "Der edelunnige Herzog was aus dem Zeitlichen geschieden, aber die Saat des Guten welche seine begeisterte Gottes-und-Menschenliebe in der von ihm gegründeten Schottenabtei gepflanzt, wuchs unter dem göttlichen Beistande gedelich auf und trug seit sieben Jahrhunderten viele gute früchte, deren Verdienst der Ewige ihm, dem hochherzigen Stifteir, zurechnen wird."—*Abress einer Geschichte der Benedictines Abtee U. L. F., zu den Shotten in Wien*, p. 5.

<sup>2</sup> Hormayr, *Geschichte von Wiess*, ii. 1, *Urkunden*, p. 139.

the Irish, notwithstanding the original grants and privileges to the contrary. He had previously appointed a commission to inquire into the state of the monasteries in his dominions with the Rector of the University at its head.<sup>1</sup>

The Council of Constance had also taken in hands the questions of monastic reforms, and on the 17th of January, 1418, the Pope issued a Bull, acceding to the request of the duke. In the month of August following, the commissioners appointed by the Pope for the execution of the new reform, viz., the abbot of the monastery of Rein, and the prior of Gaming, together with two monks of the abbey of Melk, who had been brought up at Subiaco, and were imbued with the spirit of its strict and becoming discipline, presented themselves to the Irish monks of our Lady's Monastery at Vienna,<sup>2</sup> and announced to them the directions of the Pope that they were to inquire into the condition of the monastery. They read to the abbot and his six monks the Papal Bull which gave them authority, and then proceeded to investigate for themselves the state of affairs in the house. The monks agreed to this visitation, and promised to observe whatever decision might be arrived at, *salva fundatione*. Six days later the visitors announced that in virtue of the Bull issued by the Pope on the 17th January, the monastery henceforth ceased to belong exclusively to Irishmen or Schotten. The abbot asked for time to confer with his monks as to the answer which they were to give. A day was granted for this purpose, and, on the return of the visitors, the abbot announced to them the remarkable and historic resolution of "the last of the Scoti." They declared that it would be impossible for them to live in the same house with monks of another nationality, for the simple reason that "they would either murder the intruders or be murdered by them."<sup>3</sup> This answer lets in a flood of light on the character of these decadent monks, and at the present

<sup>1</sup> Cf. Keiblinger, *Geschichte des Benedictiner-Stifts Melk*, i., pp. 484-486.

<sup>2</sup> Cf. *Revue Benedictine*, Maredsous, p. 207; art. by Dom. Ursmer Berlière.

<sup>3</sup> "Et est ratio, ut sciatur factum nude, quia nos interficeremus eos vel interficeremur ab eis."

day, no Irishman can regret that they were no longer allowed to represent the "Island of Saints" in the growing capital of Austria. They soon perceived that opposition was fruitless, and then applied for a *viaticum* and pension to maintain them at Ratisbon or some other house of their order. Nicholas de Respitz, who had been trained at Subiaco, was now installed as abbot, and was succeeded by John of Ochsenhausen, from the abbey of Melk, in 1448.<sup>1</sup> From that day forth the house maintained its early reputation, and, at the present time, the Benedictine Monks of the Schottenkloster, at Vienna, are amongst the most learned and revered in the whole Austrian Empire.

#### KONSTANTZ

The Scotie monastery of Konstantz was founded in 1142. Bishop Henry, who ruled the diocese at that period, applied to the abbot of St. James's for some monks to found a house in his diocese, in which the Gospel had first been preached by St. Fridolin and St. Gall. The first abbot of the Schottenkloster of Konstantz was Macrobius. Neugart, the historian of the diocese of Constance, bears eloquent testimony to the work and worth of the early inhabitants of this institution, which long continued to be a centre of religious fervour and light. It should not be confounded with another monastery of the same Order, which was established for Irish monks at a place called Hegbach, also in the diocese of Constance, and which became degenerate like the others, and was dissolved by Pope Gregory IX., in 1233.<sup>2</sup>

#### ERFURT

Another important foundation from Ratisbon was that of Erfurt. A nobleman of the locality, named Walter de Glysberg, invited the Ratisbon monks to come and settle in that town. In the chronicle of Lambert of Hersfeld<sup>3</sup> we

<sup>1</sup> Keiblinger, *Geschichte des Benedictiner—Stifts Melk*, i. 484, 486.

<sup>2</sup> See Wattenbach, *Die Congregation der Schottenklöster in Deutschland*. Translated by Reeves, *Ulster Journal of Archæology*, vol. vii., p. 303.

<sup>3</sup> See Pertz, *Monumenta Germaniae*, tom. iii., p. 3.

are told that the foundation was made in 1036 ; but this is probably a mistake for 1136. All these monasteries were subject, in many respects, to the parent house at Ratisbon ; and it was to the Abbot of St. James's that Siegfried, Bishop of Mayence, conferred the charter of the Irish monastery at Erfurt, in 1225. This establishment at Erfurt, notwithstanding its periods of decay and its usurpation by Scotchmen, weathered all storms and difficulties until it was closed in 1820. After the establishment of the university at Erfurt, it obtained additional support by its connection with that institution, the Abbot having been appointed Pro-Rector of the university, and four professorships attached to the prebends of the choir.

EYCKSTÄTT

In the year 1183 the Provost of Eichstätt applied to Abbot Gregory of Ratisbon for monks to found a monastery in his town. Through Count Gerhard of Bavaria he offered them a site for a monastery and some acres of land, on the outskirts of the town, together with a church of the Holy Sepulchre, which he himself had built. Monks were accordingly sent, with Abbot Gerard at their head. They immediately built a monastery adjoining the church ; the latter was round in shape, and existed still in 1612, when, by orders of the Bishop, it was taken down to make room for a new church of the same shape, which, we believe, was subsequently constructed,<sup>1</sup> and given to native German Capuchins.

MEMMINGEN

In 1167, a monastery was founded at Memmingen, a small town in the south-west of Bavaria. It is situated on the banks of the Iller, seven miles south of Ulm. The

<sup>1</sup>“ Interea, prosperante Deo, cum ecclesia Sancti Jacobi, intus et exterius se in anteriora extenderet, ecce vir magnus, devotus, dives Eistetensis Ecclesiae Praepositus, nomine Walbrunus, terrena pro coelestibus felices commutans, ecclesiam quam ipse de propriis facultatibus suis in suburbio Eistetensi construxerat, cum septendecim aratris, Abbati praefato Gregorio atque gente Scotorum, per manum mediatoris Comitis Gerhardi more Bavarico, aeternae quietis tactus amore contradidit.”—(John of Gaming.)

first abbot of this establishment, as Paricius tells us, was Mardach (Muiredhach), who took with him the large contingent of twelve monks. The chronicles of this abbey were destroyed. There is not a trace of its history to be found, nor an idea in the locality itself as to when it was dissolved.

#### KEHLHEIM

Ludwig of Bavaria was murdered at Kehlheim, in 1231, and his son and successor, Duke Otto, built a monastery and votive church on the scene of the deed, and handed it over to the Irish monks on the condition that the Abbot of St. James's, for whom he had the highest esteem, should always have the superintendence of the establishment. The house was subsequently called the Hospital of St. John. Kehlheim lies to the south-west of Ratisbon, at the confluence of the Altmühl and Danube. In the regular course of things this house also ceased to be occupied by the Irish.<sup>1</sup>

#### OELS IN SILESIA

The Irish or Scotie monastery of Oels in Silesia is said to have been founded by some of the monks of St. James's, who travelled to Poland, and found this a neglected spot on their return. Higher up, in the mountains of Upper Silesia, there is a peak called the Schottenberg, or mountain of the Scots, which was probably reached from Oels, and named after its first Christian explorers. Oels is situated a little north-east of Passau. Its Latin name was Olsna. There is no record in existence of the monastery there; but Wattenbach believes it owed its existence to Ratisbon, and was tributary to St. James's.

J. F. HOGAN.

<sup>1</sup> See Tröger, *Geschichte der Stadt Kehlheim*, p. 91.

## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### IX. THE BOARD OF CHARITABLE DONATIONS AND BEQUESTS IN IRELAND

**T**HE body of Commissioners incorporated under the title of "The Commissioners of Charitable Donations and Bequests in Ireland," and commonly known as the Bequests' Board, was established by Act of Parliament in 1844.

Under the provisions of the Act of 1844, and of two later Acts, passed, respectively, in 1867, and in 1871, the Commissioners are entrusted with a number of important functions in connection with the general administration of charitable funds in Ireland. Moreover, they are directly responsible for the administration of funds to a very considerable amount, held in trust, for various charitable purposes, by the Commissioners themselves. Their latest annual Report, issued in July, 1895, shows that, at that date, the charitable funds vested in the Commissioners amounted to over three-quarters of a million sterling, together with rents and annuities to the yearly value of £2,464.

Like all other public bodies, the Bequests' Board has to bear its share of criticism. Under this head, however, it has but little to complain of. Enjoying an almost complete immunity from criticism of the captious, acrimonious order, it is enabled to discharge its varied functions in an atmosphere of comparative calm. In this respect, its career has been very different indeed from what was to have been anticipated fifty-one years ago, when the introduction of the Government Bill for the establishment of this Board gave rise to one of the fiercest of the many agitations, partly political, partly religious, by which Ireland was from time to time convulsed during the first half of the present century.

So complete has been the change in public feeling in this respect from then until now, that it is all but

impossible to realize that the Bequests' Board of to-day is the same body, the mere mention of which, fifty years ago, in any popular assembly in Ireland, would have been the signal for an outburst of angry excitement. It is only, indeed, by referring to the newspapers of the time that anything like an adequate idea can now be formed of the state of feeling upon the subject that prevailed in Ireland, from the introduction of the "Bequests' Bill" into Parliament in June, 1844, throughout the remainder of that year, and for some months of the following year, 1845.

For one reason or another, it was deemed in Ireland an object of high political importance to hinder the Bill, if possible, from being passed into law. But, as to this, the opposition to the Bill was a signal failure. Only five of the Irish members of Parliament could be induced to vote against it on the second reading. The Bill having passed, the next point aimed at was to make the new enactment a dead letter, by making impossible the formation of the new Board of Commissioners by whom its provisions were to be carried into effect. This object, it was hoped, could be achieved if, by means of a violent agitation throughout the country, the new Act could be made an object of general odium and execration, and such a state of popular feeling excited as would deter any Catholic of representative position from accepting the office of Commissioner. As the Act provided that five of the Commissioners should be Catholics, it was calculated that a failure to find suitable Catholics willing to act as Commissioners would necessarily involve the complete breakdown of the measure, a result that could not fail to cover with discredit the Ministers who had brought forward this scheme as a not unimportant part of their Irish policy.

The agitation, whilst it lasted, was of fierce intensity. It owed its origin, and its main strength during its brief career, to a series of sensational statements, skilfully circulated through the newspapers, as to the legal bearings of the Government measure. In these statements, more than one of which came before the public on the high



professional authority of O'Connell, the provisions of the new Act were represented as utterly destructive of the rights, and even of the liberty, of the Catholic Church in Ireland.

The line of tactics thus taken up by the opponents of the measure was skilfully chosen. O'Connell was recognised to be one of the foremost lawyers of the day. Those who were not themselves lawyers could not but feel that, without running a serious risk of mistake in what undoubtedly was a matter of grave importance, they could not take it upon themselves to set aside his deliberate and repeated statements as to the ruinous legal consequences of the new enactment in its bearing upon religious interests. On the other hand, however confidently assured any members of the legal profession might feel that the difficulties raised by O'Connell were without foundation, they could do but little towards neutralizing the effect of his disquieting statements. The mere fact of lawyers of eminence differing widely in their interpretation of the new Act would in itself be regarded by the general public as a sufficient reason for looking upon the Act, and upon the Board of Commissioners to be constituted under it, with grave distrust. This was the very object that O'Connell sought to attain.

A day or two after the introduction of the Bill into Parliament, the attack upon it was opened by the leading popular newspapers in Dublin. From day to day, and from week to week, the fire was vigorously kept up. Articles were written, and letters were published, filled with violent invectives against the Bill. It was an "insidious," an "insulting," a "nefarious," a "treacherous," an "atrocious" measure. The fact that it had been introduced in "that branch of the legislature, which best keeps the secrets of the prison-house,"—in other words, the House of Lords,—was, in itself, "damning evidence of treachery." The Bill, it was true, was brought forward as a measure of relief. It purported to be a proposal for the amendment of the law relating to charitable funds in Ireland. It had the semblance of a remedial measure,

notably in its provisions for the removal of an odious and irritating feature of the old Protestant ascendancy, by the abolition of the "Bequests' Board" then in existence, a body all but exclusively Protestant in its constitution. But all this, it was proclaimed, was only a cloak for the treachery of its authors. If their duplicity had not been equal to the malignity of their persecuting spirit against the Church of the Irish people, they would have given to the Bill its only true title: "A Bill for the Subjugation to the State of the Catholic Church in Ireland."<sup>1</sup>

In one noteworthy letter, widely circulated through the newspapers, the Bill was described as—

"*Surpassing in its odious provisions the worst enactments of penal times, and developing a maturity of wicked refinement in legislation, which the more clumsy artificers of the anti-Catholic code would in vain attempt to rival.*"<sup>2</sup>

This was from the Archbishop of Tuam, who, from the beginning, took a leading part in the attack, influenced, evidently, by the conviction that the Bill, in its legal aspect, was everything that O'Connell represented it to be.

With characteristic vigour, the Archbishop protested against "the attempt to impose upon the Catholics of Ireland" by "the insidious proffer" of nominating some Catholics as members of the new Board:—

"As to who these . . . may be, we may learn from the history of *every apostate, in religion as well as in politics* . . .

"Of such 'discreet and proper persons' you might possibly find a few among the trading politicians of Ireland, and *perchance among the ecclesiastics too.*"<sup>3</sup>

This was in reference to the general belief that some of the Bishops—including the Primate, Dr. Crolly, and the Archbishop of Dublin, Dr. Murray,—would be invited to become members of the new Board, and would, in fact,

<sup>1</sup> See, for instance, *The Freeman's Journal* of July and August, 1844, *passim*.

<sup>2</sup> *The Freeman's Journal*, July 4th, 1844.

<sup>3</sup> *Ibid.*

become members of it. In further reference to the same topic, the letter continued :—

“ Nothing shall ever reconcile us to such a Bill. It is my firm conviction that *no ecclesiastic, possessed of the least regard for the interests of religion*, would ever consent to become an agent in working a Bill of such *infernal machinery*; and, if I could suppose such a dereliction of duty to be possible, that person who should be guilty of it would *infallibly earn the reprobation of all the Catholics of the world.*”<sup>1</sup>

It would be interesting, if space permitted, to state, at least in outline, the provisions of this important Bill, not only as it was eventually passed into law, but also as it was at first introduced, and then in the various modifications it underwent at various stages of its progress in Parliament. This would enable a detailed judgment to be formed as to how far its provisions gave ground for the violently hostile criticism that was directed against it from the very outset.

But no such minuteness of detail is requisite. The successive modifications made in the Bill were not in any degree effective in allaying the angry excitement that was aroused in Ireland on its introduction into Parliament. Indeed, the general tone of the speeches, letters, and newspaper articles, by which the agitation was kept up and stimulated after the Bill had passed into law, was, that, in so far as there was any difference worth taking into account, the Bill in its last state was far worse than in its first.

One illustration of this will suffice. When the Bill had passed through all its contentious stages, and was on the point of passing into law, an article was published in *The Freeman's Journal*, aptly expressing the popular feeling in reference to the Government measure, and giving the key-note for the fresh agitation that was then about to be set on foot with the view of overawing the Irish Bishops as a body into opposing the new Act as ruinous to the interests of religion. In this article, the public were

<sup>1</sup> *The Freeman's Journal*, July 4th, 1844.

gravely assured that, by the passing of this "atrocious" Bill, Sir Robert Peel, the Prime Minister of the day, had

"Obtained a right to nominate pretenders to the Catholic parishes and Catholic bishoprics of Ireland."

This being the style of criticism to which the Bill was subjected after it had assumed its final form, it will be sufficient, for all practical purposes, to examine it in that final form, as it stood when it passed into law. In doing so, we should bear in mind throughout that this Act, which was so fiercely assailed in 1844 as "surpassing the worst enactments of penal times," is still in force, and that its "provisions," and its "machinery," then denounced as "odious," and "infernal,"<sup>1</sup> have ever since been in active operation.

The meetings of the Commissioners appointed to administer the Act have been held, without intermission, throughout the fifty years that have now elapsed since the first meeting of the new Board in January, 1845. Between twenty and thirty meetings have been held each year. At each meeting, as a rule, a large amount of important business is transacted. Yet, since the year 1845, down to the present day, it has not even been suggested that there is anything, either in the powers with which the Commissioners are invested, or in the manner in which those powers have been exercised, that can be regarded as tending in the slightest degree to encroach upon the sphere of ecclesiastical jurisdiction, or to interfere in any way with the liberty or the rights of the Church.

These facts should not be lost sight of whilst we trace the course of the stormy agitation by which it was sought in the beginning to prevent the Act even from coming into operation. But, first of all, we have to obtain a general idea of the provisions of the Act considered in themselves.

Reference has already been made<sup>2</sup> to one of the purposes for which the Bill of 1844 was brought forward—the

<sup>1</sup> See *ante*, page 878, 879.

<sup>2</sup> *Ibid.*

abolition of the Board of Charitable Donations and Bequests then existing.

The Board, as it had existed up to that year, was one of the most formidable of the minor strongholds of Protestant ascendancy in Ireland. It had been established in 1800, by an Act passed in the last session of the Irish Parliament (40 Geo. III., cap. 75), and, as a matter of course, it had been established as an exclusively Protestant body. It consisted of about fifty members, all *ex-officio*, the occupants either of certain positions in the Protestant Established Church, or of certain judicial and other posts which, under the exclusive legislation of the time, could be held only by Protestants. The following were its principal members,—the four Archbishops, and all the Bishops, of the Protestant Established Church; the Protestant Dean of St. Patrick's, Dublin; the Protestant Archdeacon of Dublin; the Protestant Vicar-General of Dublin; the Protestant Incumbents of all the parishes in the City of Dublin, and its Liberties; the Provost of Trinity College; the Lord Chancellor; the twelve Judges of the three Superior Courts of Queen's Bench, Common Pleas, and Exchequer; and the Judge of the Prerogative Court.<sup>1</sup>

The object of the Irish legislature, in 1800, in constituting a body of Commissioners to supervise the administration of charitable gifts, was to hinder the concealment or misappropriation of funds intended for charitable purposes.

An Act "for the better Discovery of Charitable Donations and Bequests," had been passed by the Irish Parliament in 1763.<sup>2</sup> That Act recited<sup>3</sup> that "the pious intentions of many charitable persons" were "frequently defeated by the concealment or misapplication" of donations or bequests to charities; and, as a check upon such fraudulent practices, it enacted that, within three months of probate of a will being obtained, particulars of every charitable donation or bequest contained in it were to be published, three times successively,

<sup>1</sup> See O'Leary, page 5.

<sup>2</sup> 3 Geo. III., cap. 18.

<sup>3</sup> See O'Leary, page 4.

in the *Dublin Gazette*. The passing of this Act of 1763 was followed up in 1764 by the appointment of a Standing Committee of the Irish House of Lords, charged with the general supervision and protection of charities in Ireland.

After reciting the appointment of that Committee, and the useful results of its watchfulness over charitable gifts, the preamble of the Act of 1800 went on to say that, by the Union of Great Britain and Ireland,—then legislatively decreed, and on the point of being established,—the Committee must cease to exist, and that, if no provision were made for the continuance of its work,—

“The pious intentions of many charitable persons will be hereafter (as before the said Committee was appointed) defeated by the concealment and misapplication of their donations and bequests to public and private churches in this Kingdom.”

The preamble then declared it to be

“Expedient and necessary that some public Body should be constituted and appointed to watch over such charities and bequests, and to enforce the application of them to *the purposes designed and intended by the pious founders thereof*.”<sup>1</sup>

Then followed the legislative portion of the Act. It appointed a Board of Commissioners, as a corporate body with perpetual succession,<sup>2</sup> and empowered the Commissioners—

“To sue . . . for the recovery of every charitable donation or bequest which may or shall be withheld, concealed, or misapplied.”

It also directed the Commissioners—

“To apply the same, when recovered, *according to the intentions of the donors*.”<sup>3</sup>

All this looked harmless enough. But there was added an insidious provision extending the powers of the Commissioners far in excess of the reasonable limits declared in the preamble. For they were empowered,

“In case it be *inexpedient, unlawful, or impracticable*, to apply the same strictly according to the directions and intentions

<sup>1</sup> See O'Leary, page 4.

<sup>2</sup> See I. E. RECORD, June, 1895, page 502, footnote 2.

<sup>3</sup> See O'Leary, page 6.

of the donors, then to apply the same to such charitable and pious purposes *as they shall judge to be nearest and most conformable* to the directions and intentions of the donors."<sup>1</sup>

Thus there was conferred upon the Board a power of *cy-près* application<sup>2</sup> of charitable funds, extending even to cases in which it might be considered merely "inexpedient" to apply the funds as directed by the donor,—a power, manifestly, so elastic in its nature as to be altogether indefensible, especially in view of the fact that, whilst the Board was constituted as an exclusively Protestant body, the charitable gifts to be controlled by it were those intended for Catholic, as well as those intended for Protestant purposes.

So far, however, as regarded the establishment of some machinery for the protection of charitable funds, the policy of the Irish legislature in passing the Act of 1800 was abundantly justified by the result. From the Report of a Committee of the House of Commons, in 1829, it appears that, up to that date, the Commissioners had recovered sums of money belonging to various charities, which had been diverted from their proper purpose, to the amount of £239,707 17s. 10d., with permanent annuities to the amount of £3,853 6s. 9d. a-year.<sup>3</sup> A later Parliamentary return, made out in 1844, showed that the further amount recovered from 1830 to that year, was £163,569 17s. 3d.

But, on many grounds, the Board and its proceedings were the subjects of severe criticism. Its procedure was loudly complained of as being extravagantly costly.<sup>4</sup> There were also complaints as to the manner in which the unduly elastic *cy-près* powers entrusted to it<sup>5</sup> were exercised. But, over and above all these grounds of objection in detail, there was the fundamental grievance, that this body,—which had to

<sup>1</sup> See O'Leary, page 6.

<sup>2</sup> See I. E. RECORD, February, 1895, pages 111-114.

<sup>3</sup> See Hamilton, *The Law relating to Charities in Ireland* (Dublin, 1881), page 220.

<sup>4</sup> *Ibid.*

<sup>5</sup> See *ante*, page 882.

do with Catholic no less than with Protestant charities,<sup>1</sup> and which frequently, if not invariably, was officially represented in Court when the charitable bequests of Catholic testators were in question,—was not only a Protestant body, but was altogether controlled by the dignitaries and other clergy of the Established Church, their number on the Board being practically double that of the lay members, and, in addition, the working of the Board being, to a large extent, left in their hands owing to the exceedingly rare attendance of the Judges who were members of the Board.<sup>2</sup>

The opening of a number of the higher judicial offices to Catholics by the Emancipation Act of 1829 made no appreciable change in the constitution of the Board as regards the religion of its members. From a Parliamentary return issued in 1844, it appears that the Board then consisted of fifty members—thirty-two of these being Protestant ecclesiastics, and eighteen laymen,—and that, amongst the fifty members, there was but one Catholic. This was Judge Ball, who, fifteen years after the passing of the Catholic Emancipation Act, was the only Catholic amongst the twelve Judges of the Superior Courts of Common Law.

A few years previously, in February, 1840, the Catholic Bishops of Ireland, assembled in General Meeting, had addressed a Memorial to Lord Morpeth, then Chief Secretary for Ireland in the Melbourne Administration, complaining of the constitution of the Board, and praying that it should be—

“Rendered more generally useful and popular by the introduction to it of Roman Catholic Commissioners.”

Nothing, however, was done for the removal of the exclusive character of the Board by the Ministry then in

<sup>1</sup> In a very misleading account of the discussions on the subject of the Bequests' Board, in the *Life of Frederick Lucas* (London: 1886). I find the following, amongst other inaccurate statements:—“The administration of charitable funds had been vested in a Bequests' Board, whose functions were practically confined to Protestant charities and none other.” (Vol. i., page 165.)

<sup>2</sup> See Hamilton, page 220.



power. But, early in the Parliamentary Session of 1844,—Sir Robert Peel being then Prime Minister,—it was announced on behalf of the Government that a Bill would be introduced with a view of placing the supervision and protection of charitable funds in Ireland on a more satisfactory basis. This was the Bill for the reform and reconstruction of the Bequests' Board, which was destined to meet with so fierce an opposition.

In addition to the proposal for the reconstitution of the Bequests' Board, thus announced to be brought forward by the Government, there was then before the public a proposal for the amendment of the law in relation to a special class of charitable gifts. This proposal had been brought forward by O'Connell, and was embodied in a Bill which he introduced in the House of Commons.

O'Connell's Bill, as he himself explained, was not at all put forward as in conflict with the intended Government measure: it had reference only to a special difficulty regarding property intended for the endowment of ecclesiastical offices, such as the office of bishop or of parish priest, in the Catholic Church in the United Kingdom.

There was not, he pointed out,—as there still is not,—any thoroughly satisfactory way of securing the continuous holding of property for such purposes. Property could, of course, be assigned to them through the well-known arrangement of vesting it in trustees, provision being made for the appointment, from time to time, of new trustees, as vacancies in their number occurred through death or otherwise. And, in so far as those purposes were legally charitable,<sup>1</sup> provision could be made for the continuance of such trusts in perpetuity.<sup>2</sup> But the securing of

<sup>1</sup> Some doubt has been expressed whether, before the passing of "the Bequests' Act" of 1844 an endowment for the maintenance of a Catholic Bishop, could have been held to be legally "charitable."

Even long subsequent to the passing of that Act—in a case, *Robb and Reid v. Dorrian*, which was decided in the Irish Court of Exchequer Chamber in February, 1877—a judge of great eminence, Baron Fitzgerald, expressly held that, even then, such a purpose was not legally charitable. (See I. R. 11 C. L. 318.)

<sup>2</sup> See I. E. RECORD, February, 1895, pages 109-111.

property for religious and charitable purposes by means of the appointment of trustees, is a form of procedure not free from drawbacks. To say nothing of the risk of some serious breakdown occurring in the course of time,—through an omission to appoint new trustees on the occurrence of vacancies, or through the appointment of some trustees who might prove to be unsuitable for the office,—there is the standing difficulty that the renewal of trustees is a proceeding that has to be effected through the machinery of the law, and therefore necessarily involves both trouble and expense.

The plan proposed by O'Connell for the removal of this particular difficulty was one that then had very little chance of being adopted, or even indeed of being regarded as seriously proposed. It was, that the legal *status* enjoyed by the Bishops and Rectors of the Protestant Established Church,—each of whom was, legally, a "corporation sole,"<sup>1</sup>—should be conferred also upon ecclesiastics occupying similar positions in the Catholic Church. If this were done, the complicated machinery of trusteeships could, of course, be dispensed with. For then, property intended, for instance, for the endowment of the Bishopric of N., could be secured for that purpose, in perpetuity, by being vested simply in the "Roman Catholic Bishop of N., for the time being." The property so vested would then pass, by the mere operation of law, from each Bishop to his successor, or,—to speak more strictly in accordance with the technical legal view,<sup>1</sup>—the succession of Bishops of N.

<sup>1</sup> "Corporations *sole* consist of one person only, and his successors, in some particular station; who are incorporated by law, in order to give them some legal capacities and advantages, particularly that of perpetuity, which in their natural persons they could not have had. [As to "corporations" generally, see I. E. RECORD, June, 1895, page 502, *footnote* 2.]

"In this sense the sovereign is a sole corporation; so is a bishop; so are some deans, distinct from their several chapters; and so is every rector and vicar. . . .

"The law has wisely ordained that the parson, *quatenus* parson, shall never die . . . by making him and his successors a corporation. By which means all the rights of the parsonage are preserved entire to the successor; for the present incumbent and his predecessor who lived eight centuries ago are in law one and the same person; and what was given to the one, was given to the other also." STEPHEN [*Blackstone's Commentaries on the Laws of England*], Book 4, part lii., chapter 1.

would form, in law, one continuing person, in whom the property would always remain vested.

The general question of the reorganization of the Charitable Bequests' Board, with which the Government had undertaken to deal, was not touched upon in O'Connell's Bill. That Bill itself, owing, probably, to O'Connell's imprisonment, was dropped.

Towards the end of June in the same year, 1844, the promised Government measure dealing with the reform of the Bequests' Board was introduced in the House of Lords.

Its chief provisions, when, after sundry modifications, it finally passed into law,<sup>1</sup> were as follows :—

I. The old Protestant Board was abolished, and was replaced by a new Board of thirteen members. Three of these—the Master of the Rolls, the Chief Baron of the Exchequer, and the Judge of the Prerogative Court,—were *ex officio* members. Ten other members were to be nominated by the Crown. Of the ten nominated members, “ five, and not more than five,” were to be Catholics.

II. All the property that had, from time to time, been vested in the former Commissioners—which then amounted to about £175,000, with rents, annuities, and rent-charges amounting to about £2,000 a year<sup>2</sup>—was transferred to the new Commissioners.

III. The new Commissioners were empowered, subject to the sanction of the Attorney or Solicitor-General, to sue for the recovery of charitable gifts or bequests “ withheld, concealed, or misapplied,” and the property, when recovered, was to be applied by them “ to charitable and pious uses according to the intention of the donor.” No power of *cy-près* application<sup>3</sup> was conferred upon the new Board by this Act.

IV. As regards certain specified classes of Catholic

<sup>1</sup> See *ante*, page 879.

<sup>2</sup> See O'Leary, page 11, footnote (b).

<sup>3</sup> See *ante*, page 882.

charitable purposes—chiefly those contemplated in the Bill that had been introduced by O'Connell,<sup>1</sup>—a provision was made, in the 15th section of the Act, enabling property assigned to such purposes to be held in perpetuity, without recourse to the complicated, and, at times, costly, machinery of private trusteeships.<sup>2</sup>

The plan by which this was to be worked out was quite different from that suggested by O'Connell. The privileged legal *status* enjoyed in this respect by the clergy and dignitaries of the Established Church<sup>3</sup> was not to be conferred upon the Catholic priests and Bishops.<sup>4</sup> But the Act made it competent for any donor who might wish to assign land, or money, or property of any kind, to any of the special class of purposes in question, to vest the property in the new Commissioners, by whom it would then be held, in perpetual succession, in trust for the purpose specified. In other words, the Commissioners were constituted a "public trustee" for those special purposes.

This method of securing a charitable trust in perpetuity was available if the property was to be held for any of the following purposes:—

(a) "In trust for building, enlarging, upholding, or furnishing any chapel or place of religious worship of persons professing the Roman Catholic religion ;" or,

(b) "In trust for any Archbishop or Bishop, or other person in Holy Orders of the Church of Rome, officiating in any district, or

<sup>1</sup> See *ante*, page 885.

<sup>2</sup> *Ibid.*

<sup>3</sup> Under one of the provisions of the Irish Church Act of 1869, the clergy and dignitaries of the Protestant Church in Ireland were deprived of this privileged legal *status*. But that Act made provision for the constitution of a "Representative Church Body," which, as a corporate body (see I. E. RECORD, June, 1895, page 502, *footnote* 2), could hold, in perpetual succession, and subject to the original trusts, all property that otherwise might have been held by the various ecclesiastical corporations of the Church, whether "sole" or "aggregate."

Soon afterwards, a body of trustees was similarly incorporated by the "Irish Presbyterian Church Act, 1871," for the advantage of the Presbyterian Church in Ireland.

And, in the same year, "The Primitive Wesleyan Methodist Society of Ireland Act, 1871," was passed, conferring a similar privilege on the Irish Wesleyan Methodist Society.

<sup>4</sup> See *ante*, page 886.

having pastoral superintendence of any congregation of persons professing the Roman Catholic religion, *and for those who shall from time to time so officiate or shall succeed to the same pastoral superintendence*; or for building a residence for his and their use."

The provision thus made was in several respects open to objection. But the arrangement was proposed as a purely optional one. It could have no application except in the case of a donor voluntarily selecting this particular method of providing for the safe keeping of his gift. The machinery of private trusteeships continued, of course, in all cases, as fully available as before.

V. In the same 15th section of the Act, a formal proviso was inserted to the effect that nothing contained in the Act was to be construed as in any way repealing the legislation of the Catholic Emancipation Act of 1829, by virtue of which, as we have seen in a former paper of this series,<sup>1</sup> bequests in favour of Catholic Religious Orders of men are rendered void.

VI. The Act of 1844, in addition to its provisions relating to the Commissioners of Charitable Donations and Bequests, and their functions, contained an important section which extended to Ireland—but in a notably restricted form—the principle of an English Act of George II., passed in 1735, and commonly, but inaccurately,<sup>2</sup> designated the Georgian "Mortmain" Act (9 Geo. II., cap. 36).

It could serve no useful purpose, and indeed might only tend to mislead, if we were here to enter upon any detailed statement of the provisions of this important English

<sup>1</sup> See I. E. RECORD, June, 1895, "On Bequest to Religious Orders of Men."

<sup>2</sup> The Statutes against Mortmain were aimed against the holding of lands *by corporata bodies*, quite irrespective of whether the purposes for which the lands might be held were charitable or non-charitable. The restrictions imposed by the so-called Georgian "Mortmain" Act were upon gifts of lands and other such property, *for charitable purposes*, whether the gift was to a corporate body or not. (See Tudor, *Charitable Trusts*, 3rd Edition, page 389; and Finlason, *History of the Laws of Mortmain*, Preface, page ii.)

Act.<sup>1</sup> The following may be taken as an accurate, and, for our purposes, sufficiently full, statement of its leading provisions :—

1. Gifts of land or of other real property, *by will*, for any charitable purpose (with some few specified exceptions in favour of certain seats of learning) were made void.

2. Gifts of land or of other real property, *by deed*, for any charitable purpose (with the same exceptions) were made void unless the deed was executed (a) in presence of two or more witnesses, and (b) at least twelve months before the death of the grantor; unless, moreover, it was so framed as (c) to take effect immediately, (d) to be irrevocable, and (e) to contain no reservation in favour of the grantor; and unless, finally, (f) it was enrolled in the Court of Chancery within six months after its execution.

3. The provisions of the Act—thus stated, in the first instance, for the sake of clearness, in reference only to gifts of land or of other real property—apply also to gifts of money or other personal property, to be laid out, or disposed of, in the purchase of real property.

4. They apply, moreover, (a) to gifts of any “interest” in land, including, for instance, leasehold interests, whether for lives or for years; (b) to gifts of any “charge” upon land; and (c) to gifts of money or other personal property, to be laid out, or disposed of, in the purchase of any “interest” in land, or of any “charge” upon land.

The policy of the “Mortmain” Act of George II. was long a subject of discussion both amongst lawyers and in Parliament.<sup>2</sup> In 1844, a Committee of the House of Commons was appointed to inquire into a question that had been raised as to the advisability of repealing the Act. Lawyers of high standing in the profession strongly urged that it should be repealed. But the opposite view prevailed, and the only practical result of the proceedings before the

<sup>1</sup> As to the extent to which the provisions of this Act have been modified by subsequent legislation, see I. E. RECORD, February, 1895, pages 123, 124.

<sup>2</sup> See Finlason, *History of the Laws of Mortmain* (London, 1853), *passim*.

Committee and in Parliament was an unfortunate one for the interests of charities in Ireland.<sup>1</sup>

In the course of the discussions, the fact had been prominently brought out, that the Georgian Act applied only to England, and that no corresponding legal provision existed in Ireland. It was forthwith decided to remove what was regarded as a defect in our Irish legislation. The Georgian Act, at least in principle, was to be extended to Ireland, and, for this purpose, advantage was taken of the fact that a Bill dealing with Irish charities was then passing through Parliament. This was the Bequests' Bill of 1844.

A clause, which now stands as the 16th section of the Act, was accordingly inserted in the Bill. This 16th section enacts as follows:—

(1) That no gift, *by will*, shall be valid to create or convey any estate in lands, or in any kind of real property, for charitable purposes in Ireland, unless the will has been executed three calendar months at the least before the death of the testator; and

(2) That no such gift, *by deed*, shall be valid unless (a) the deed has been executed three calendar months before the death of the donor, and unless (b) it has been duly registered within three months after its execution.

In a paper such as the present, anything in the nature of a full analysis of this section of the Act of 1844 would be quite out of place. But it may be useful to direct attention to the following points, in all of which the section is far less wide in its operation than was the English Act of George II. :—

(a) The Act of 1844 deals only with gifts of "lands, tenements, and hereditaments"—including all gifts of "estates" in these, and, consequently, gifts of leasehold interests in them, whether for lives or for years. It does not, like the English Act,<sup>2</sup> affect gifts of money or other personal

<sup>1</sup> See Finlason, page 125.

<sup>2</sup> See *ante*, page 890.

property, to be laid out, or disposed of, in the purchase of lands, &c. ;

(b) It substitutes "three months" for "twelve months" in the provisions regarding the execution and the registration of deeds;<sup>1</sup>

(c) It does not *abolish*<sup>2</sup> the power of giving lands, &c., to charitable purposes, by will, but only *limits* that power by imposing upon wills containing such gifts the same restriction, in reference to the time of their execution, that it imposes in the case of deeds.

VII. Almost all the remaining sections of the Act deal with matters of procedure. Only one of those sections, the 6th, is of any special interest in connection with religious matters. This section enacts that, in the event of any question arising before the Commissioners, concerning the usages or discipline, either of the Catholic Church on the one hand, or of the Protestant Established Church, or of any body of Protestant Nonconformists, on the other, the question is to be referred to a Committee of the Board, consisting of the Catholic Commissioners only, or of the Protestant Commissioners only, as the case may be: the certificate of the Committee as to the matter in question is to be taken by the Board as evidence of the facts certified: and the matter in hand is to be dealt with by the Board accordingly.

It is hardly necessary to point out that the provision thus enacted in no way affects the determination of any legal rights—such, for instance, as the right of either of two contending claimants to receive a legacy or other gift, entrusted to the Board for payment. Legal rights in such cases can be determined only by a legal tribunal. But, like a private trustee, or an executor to a will, the Board may at times have to act, one way or the other, in doubtful cases of the class contemplated. To provide for such contingencies, the provisions of the 6th section were devised as a means of

<sup>1</sup> See *ante*, page 890.

<sup>2</sup> *Ibid.*



avoiding possible friction, in matters of religious interest, between the Catholic and Protestant sections of the Board.

VIII. The only other section of the Act necessary to be mentioned in this summary statement of its contents in their relation to matters of religious interest, is the 22nd. This section enacts that,—with the single exception of the provision in the 16th section, imposing the three months' limit<sup>1</sup> in the cases mentioned,—

“ Nothing herein contained shall be taken to [make void or unlawful] any Donation, Devise, or Bequest, which but for this Act would be lawful.”

These were the chief provisions of the Bequests' Act of 1844. Up to a point, the Act was unquestionably a useful one. But it fell far short of being a perfect measure, or even of being, in some respects, a very satisfactory one. Moreover, it was sadly marred by the provisions of its 16th section, which, travelling altogether outside the proper scope of the Act,—the reconstruction of the Bequests' Board, with a view to the more satisfactory administration of charitable funds in Ireland,—introduced into our Irish legislation a needless and indefensible restriction, based upon the principle of the now repealed<sup>2</sup> English “ Mortmain ” Act of George II.

But, whatever may be the shortcomings or other defects of the Act of 1844, it has long since come to be recognised that none of these can be regarded as giving ground for the attitude of violent hostility taken up towards the Act, in the beginning, by so many of the leaders of Irish public opinion. Under the stimulating influence of the Repeal movement, a state of high tension was indeed the normal condition of the public mind in Ireland at the time. Still, wonder has often been expressed how, even during a period of political excitement, so violent an outburst of popular feeling could have been caused by the introduction of a measure which, with all its drawbacks, was,

<sup>1</sup> See *ante*, page 892.

<sup>2</sup> See I. E. RECORD, February, 1895, pages 123, 124.

undoubtedly, a step in the direction of justice to the Catholics of Ireland.

In the next number of the I. E. RECORD, whilst tracing the course of the agitation during its brief career, we may be able to find, in the circumstances of the time, a not inadequate explanation of the source both of the agitation itself, and of the passionate vehemence that so strikingly characterised it.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

## AFTER A MISSION

IN an article in the I. E. RECORD (June, 1895, p. 577), we considered at some length the question of parochial missions. Having shown what is to be understood by parochial missions, and the esteem in which these exercises are held by the Church, we ventured to lay down certain conditions on which the success of a mission depends. These conditions are a careful choosing of time and place, and the securing of a sufficient number of missionaries well fitted for the work. Lastly, we noted as a condition that the local clergy should prepare their people for the mission, and help, in a way we pointed out, during the mission. We reserved for this paper what should be done *after the mission*.

### RENEWALS

The missionaries come to the parish to do permanent good, not only by settling troubles of conscience arising from a misspent or sinful life, but also by striving to induce the people to use the means of perseverance and growth in the grace of God. Again and again they declare that the mission is for the people a new start on the road to heaven, from which they are to stray no more; a new putting their hands to the plough with a firm determination never to look back again; a new and a closer bond with our Blessed Lord never to be broken.

But, conscious of the weakness of men, even when their wills are good, conscious of the temptations which a mission cannot always remove, conscious of the terrible charge which the devil is sure to make in order to get back into souls from which he has been expelled, St. Alphonsus introduced what he called *Renovatio spiritus missionis*. It consists in returning to the parish in which a mission has been given in the course of four or five or six months, to encourage and strengthen in their good resolutions those who have persevered, to raise up those who may have fallen, and to give to those who missed or neglected the mission a new opportunity of grace and reconciliation with God. A missionary who had laboured long and well in Ireland, and who, we hope, is now enjoying his reward, put the end of a renewal very happily in his opening discourse by making use of the words of St. Paul to Barnabas: "And after some days Paul said to Barnabas, let us return and visit our brethren in all the cities wherein we have preached the word of the Lord, and see how they do" (Acts xv. 36). The missionary, like St. Paul, rather than seek new fields of labour, prefers to return to those in which he has already laboured, to see how the seed has grown, to perfect the work which he began. For, a renewal is not a new work; it is a continuation of the mission, and for this continuation circumstances are most favourable. The missionaries, the priests, the people know one the other; a spiritual friendship has been established, and the very meeting again easily becomes a means of giving to the parishioners the most excellent dispositions.

A renewal lasts a shorter time than a mission. The sermons are preached and the instructions are given by the missionaries; but it is by no means necessary that they hear all the confessions. The aim of the preacher is to renew the light poured into the minds during the mission, and to strengthen the will in its firm purpose to persevere to the very end. Hence, at the close, there is a solemn renewal of baptismal engagements, and a public profession of loyalty to Jesus Christ.

The authority of St. Alphonsus, founded on an almost lifelong experience, should go far to convince us of the utility

of renewals. His sons working in English-speaking countries bear testimony to the fact that there is no more efficacious means of perfecting and solidifying the work of a mission. This will explain why, given a case in which they can choose between giving a new mission and a renewal of one already given, they give preference to a renewal. This is why, towards the end of a mission, they endeavour to secure the consent of the pastor for a renewal. If he consents, the missionaries are able to announce this salutary exercise before they leave, and thus put the people on their mettle, and give the local clergy an excellent opportunity in the interval of keeping their good resolutions before the minds of the people.

In England and Scotland these renewals are nearly always given. It is more difficult to induce the priests of Ireland to accept them. Many reasons may be given to explain this. The custom of giving renewals has never had a good footing in Ireland. The Redemptorists are the only missionaries who give renewals *ex professo*; and these, perhaps, have not pressed them sufficiently. Moreover, many of the missions are given in summer, and the renewals would thus fall in the autumn or winter. Nor is it to be forgotten that some are shy to ask their people so soon again to contribute to expenses which a renewal necessarily entails. There is, indeed, something in all these; but, if the advantages of renewals were realized, these difficulties would soon be overcome. It is true that Redemptorists give renewals as part of their system; but other missionaries have also given them, and with the most satisfactory results. As to the difficulty arising out of time, a mission given in April, May, or June might be followed by a renewal in August, September, or October; a mission in July, August, or September might be followed by a renewal in February, March, or April. A renewal a little sooner or a little later is better than none at all. As to expenses, there may be a surplus after the mission; and, if so, it would not, it seems to us, be necessary to seek the permission of the bishop to use it for a renewal, since it is a continuation of the mission. But

should there be no surplus, we have little fear that the people will give sufficient to defray necessary expenses.

#### CONFRATERNITIES

We have said that the fruits of a mission should [be permanent. This can only be attained by creating in a parish and fostering a spirit of solid piety. There should be a public opinion that piety is useful for all. That it is useful for women and children, will readily be admitted; but is it not even more useful for men? This is of supreme importance. There is no one more venerable than a truly pious man; and of these, thank God, we have many. Now, the piety of which we speak supposes a mind well instructed, a spirit of prayer, and the frequent use of the sacraments. Let us suppose a parish in which a mission is given for the first time. The people come in all their numbers; they willingly make every sacrifice to profit of the exercises; their minds are enlightened, they pray, they receive the sacraments; public opinion draws to the Church many who had been careless for years; in a word, the foundations of piety are laid. How shall we make this good work permanent? How shall we develop it? By the establishment of a confraternity, and, once established, by working it well. The local clergy and the missionaries will consult and decide on the confraternity to be established, which should of necessity be such as will suit the circumstances of the greater number of the parishioners, and which will include children, women, and men. The missionaries will see to all the formalities necessary for the valid erection of a confraternity.

And here we may give the testimony of the two latest doctors of the Church on the utility of confraternities:—

“Enter gladly [says St. Francis de Sales] into the confraternities established in the place in which you live. In doing so you will practise a kind of obedience which is very pleasing to God, for, though to join a confraternity is not commanded, yet it is recommended by the Holy Church; and, to induce many to enrol themselves, she grants to the brethren great indulgences and privileges. Besides, it is always a great act of charity to co-operate with others in their good designs; and, though it be

possible to perform our exercises as well alone as with the brethren of a confraternity, and perhaps we might experience more devotion in what we do apart by ourselves, still God is more glorified by the union we make of our good deeds with those of our brethren and neighbours."<sup>1</sup>

St. Alphonsus says :—

"These sodalities are so many Noah's arks, in which poor seculars find a refuge from the deluge of temptations and sins which inundates the world. We, from the experience of our missions, well know the utility of these confraternities. As a rule, a man who does not attend the meetings of a confraternity commits more sin than twenty who do attend them. A confraternity may well be called a Tower of David; a thousand bucklers hang upon it, all the armour of valiant men. The reason why confraternities do so much good is, that in them the members acquire many weapons of defence against hell, and put in practice the requisite means of persevering in the grace of God, which are seldom made use of by seculars who are not members of those confraternities."<sup>2</sup>

St. Charles Borromeo recommends confraternities to confessors: "Confessor pro viribus suadebit ut alicui societati poenitentes adscribantur."

It may be well to remark that where a confraternity already exists, and has a good spirit, a mission will help to increase both the numbers and the fervour. Where a confraternity has fallen away from its first fervour, a mission will give it new life. Where it is found that an existing confraternity does not suit the circumstances of the people, during a mission, certain modifications may be introduced to bring it within the reach of all.

And now let us see how a good confraternity produces the effects we have named. In every well-constituted confraternity there are meetings, in which instructions are given by the Director. Here we have the enlightening of the mind. Prayer is much recommended, and there are at all the meetings prayers said in common; and thus a spirit of prayer is engendered. Lastly, the members frequent the sacraments. As to the meetings, the numbers must

<sup>1</sup> Introduction to *Devout Life*, ii. 15.

<sup>2</sup> *Glor. de Maria*, p. 2, obse. vii.

<sup>3</sup> *Act. Mediol.*, t. i., c. 6, s. 8.

necessarily vary. In towns the meetings should be every week, both because the members live near to the church, and because they need more light than others who, in the country, live in patriarchal simplicity. Outside towns, frequently the meetings can be held only once in the month. When, however, there are two churches in a parish, it is most advisable that meetings be held in both, but on different days, so that one and the same Director may address all the members. The hour of meeting should be that which best suits the convenience of the people. In country districts, owing to distance and other difficulties, the best hour generally will be soon after the last Mass. In towns the meeting, especially of large confraternities, should be on week-day evenings.

In the meetings, as we have said, the Director will give an instruction. Much depends on the manner in which this instruction is given, and this will serve as an excuse if we dwell at some length on it. The instruction should be simple, familiar, practical, interesting, and never too long. It should be within rather than beyond half-an-hour. If the Director uses the narrative or historic form, he will easily secure and retain the attention of his hearers. A preacher different from the Director may be invited from time to time. This will give variety without breaking the unity which comes from one head, and which gives strength to the confraternity. We cannot, therefore, recommend the system of change of preacher from week to week. This should only be adopted through necessity. But, it may be said, so much preaching places too heavy a burden on the Director. No doubt it is a burden; but not too heavy, if he will choose his matter carefully, and divide it judiciously. We have known directors who have kept large confraternities of men captive for a whole year on one subject judiciously divided.

It may be useful to give some hints or suggestions as to the division of a subject. But, first of all, let the title be striking. Take, for instance, "The Heroes of the Church." Begin by an interesting description of the Coliseum of Rome—its form, its size, how it was built, why it was built,

the dens for wild beasts, the thousands of spectators on the galleries, the arena saturated with the blood of martyrs. These martyrs are our heroes. The Coliseum stands even to this day, a monument of their triumph and of the triumph of the Church. Their triumph and the Church's triumph will be ours by participation if only we remain ever her true children. Finish by announcing in an interesting manner that at the next meeting you will speak of one of the greatest heroes of the Coliseum. Make then your selection from martyrs who suffered in this blessed spot. Here is matter for several months from which practical conclusions can easily be drawn.

Then the Director might take up the martyrs of our own days in China, Japan, &c. But (and this would be another category) why go back eighteen hundred years ago? Why travel to China and Japan? Have we not our own martyrs? Have we not those who lived and died for the faith near our homes, at our very doors?

A fine contrast might be drawn between the heroism of the Catholic Church shown in her martyrs, and the time-serving cowardice of those who have fallen away or have been expelled from her bosom. Now for this course very few books are required: *The Martyrs of the Coliseum*, by O'Reilly; *Victories of the Martyrs*, by St. Alphonsus; *Annals of the Propagation of the Faith*; *Memorials of those who Suffered for the Faith in Ireland*, by Myles O'Reilly; *Franciscan Martyrs*, by Mrs. Hope; *Missionary Priests*, by Dr. Challoner; *Persecution of Irish Catholics*, by Cardinal Moran.

We have seen in the manuscript of a Director the heading "Pilgrimages." He suggests taking the members in spirit to visit holy places. Here certainly much interesting matter might be found, although it would require more study.

"Take [says this Director] the members on a voyage round the coast of Great Britain and Ireland to the Holy Islands, giving their history: Arran, Iona, Lindisfarne, Inniscarthy, Innisfallen, Thanet. . . . Nearly all the small isles off the coast of Kerry and Mayo are Holy Islands, and had in olden times their monasteries. Describe rock, cliff, mount, shore, ruins, shrines, and the saints that inhabited them."



Other headings would be :—Great popes ; great scholars, or the doctors of the Church ; great bishops ; great missionaries ; the lowly ones, or how God makes use of the “ things that are not ; ” patrons of the universal Church, of country, of diocese, of Church, of sections, of different orders of society, &c. As we have already said, these and like series might be broken into by inviting an occasional preacher. The Director himself will from time to time break in on the series ; for example, when some great feast occurs, or when some passing event calls for notice. Then he will take up his subject again. Such an interruption is desirable, occasionally even when not necessary.

When the meetings are only once a month the same method may usefully be followed ; but the subdivisions should be few. The subjects indicated above have their interest for confraternities of women also. It would, however, be easy to draw up a series which would have a special interest for persons of the devout sex, who are moved to good more through the heart than the head. Under this heading we can scarcely trespass more on the forbearance of the Editor of the I. E. RECORD, although we have only touched the fringe of the subject.

As to prayer, the best undoubtedly for the meetings is the Rosary. In intrinsic excellence it cannot be surpassed, and its simple form enables all to join in it heartily. To the Rosary it is advisable to add some *short* prayers which have a special reference to the confraternity, as well as a remembrance of the sick and dead. Singing, which according to St. Bernard is a twofold prayer : *Qui bene cantat bis orat*, gives great life to the meetings, and in this it is more easy to succeed than may seem at first sight. The important point is to begin with a few easy hymns, and to keep to them till nearly all know them well. Then to increase the store, little by little.

But, besides instruction and prayer, there is the frequentation of the sacraments. This is the most important point of all, and to it the minds and hearts of the members should be frequently turned. Making due allowance for liberty of conscience, the Director will bring a gentle

pressure then to bear on members in this matter. For, with the frequent and fruitful reception of Holy Communion, the good odour of the confraternity will spread through the parish. Where the number of confessors is scarcely sufficient to hear all the parishioners, the hearing of the members requires careful management. We know a confraternity of the Holy Family for men, numbering over nine hundred, and with only the parish clergy as confessors, yet, nearly all are heard every month.

Besides these ordinary services of a confraternity, one or other extraordinary service, in the course of the year, is a great help to fervour. Hence it is advisable to have, *where possible*, a general communion, at least once a-year, and some solemn service in honour of the Blessed Sacrament, or our Blessed Lady, or the patron of the country or diocese. In some parishes, it will even be practical to have a public procession.

#### ANNUAL RETREAT

But the most efficacious means of all to keep up fervour is a good retreat every year. Now, this retreat should be especially for the members of the confraternity. In some places, it is given exclusively to members; and this is, undoubtedly, the most perfect mode. We cannot, however, knowing as we do the circumstances of many parishes, propose it for universal adoption. But, if the members are sufficiently numerous to fill the whole church, the whole church should certainly be given to them; if not sufficient to occupy all the space, then the best position should be assigned to and absolutely reserved for them. Non-members may then be admitted to parts of the church not needed for the confraternity. Women, however, should not be admitted to retreats for men, nor should men be admitted to women's retreats. The exclusion will act favourably on a curiosity which is natural to all; it will enable the preacher to speak with greater directness to his audience; and there will be, for both sexes, greater freshness in the truths proposed for consideration. This exclusion, of course, does not apply to *mixed* confraternities.

As these retreats may be preached by any priests, although generally trained missionaries are to be preferred, it is well to remark, that all the sermons should be addressed to the *members*. There should be frequent reference to the advantages of membership during life, and after death ; to the edification which members should give in the parish ; and to the zeal with which they should labour to increase the number of members and fervour of the confraternity. A certain, if we may so speak, sinless pride in the confraternity should be excited. The instructions should aim at disposing the members to receive the sacraments very perfectly, and to sanctify themselves by the faithful discharge of the duties of every-day life. He should exhort the members to come to confession early in the week ; and to this end it will be useful to suggest that one communion be received during the week, and that all take part in the general communion on Sunday. Thus, many confessions can be heard leisurely during the week, and the greater number can make a very short confession on the Saturday.

But this salutary method of giving the retreat to members is not always observed. There are parishes in which confraternity retreats have been turned into parochial retreats, and these into abortive missions. It happens sometimes that the members of the confraternity enjoy no privilege, and are even deprived of their ordinary places in the church to make room for non-members. The result, as may be expected, in too many cases, is the ruin of the confraternity. Such a retreat, instead of increasing fervour, depresses it. Nor is it a compensation that many new members have given in their names. Such members rarely persevere, and their subsequent defection only adds to the general depression of fervour. In a healthy and well-managed confraternity recruiting goes on all the year round, and the members thus received generally persevere. Bishops, priests, and missionaries of long experience, are convinced that a regular mission every five years ; a well-worked confraternity, with retreat every year, or almost every year, *given to the members*, will keep a fairly numerous parish in a good, and even an excellent state. We say, "a

fairly numerous parish ;” for when a parish has more than ten thousand souls, more extraordinary means still are often needed. But when all has been done, there will be, even then, in the best-worked parish, always some black sheep. We should, however, have more hope of their conversion through the help which a fervent confraternity brings to the ordinary ministry, than from the exercises of an abortive mission. A fervent confraternity is a perpetual preacher. Its members, by their good example, are a living exhortation. Their lives are the Gospel in practice ; their deaths, full of Christian hope, while they console the pastor, make the neighbours say : “ May my end be like theirs ;” and many will strive to secure such an end by entering the confraternity.

We have tried in all that we have written, to be practical ; and we hope that what we have written may be a help to pastors of souls and directors of confraternities ; and that thus, without diminishing the beauty of their crowns, we may have some little share in their labours and reward.

J. MAGNIER, C.S.S.R.

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## A DUTCH DISCIPLE OF ST. THOMAS

STUDENTS of St. Thomas, and, indeed, all who have at heart the interests of sound philosophy, may well rejoice at the good work which is now being done in Holland. It is surely a hopeful sign that a great non-Catholic university should establish a Chair of Thomist philosophy, and invite a Catholic priest to become its professor. When the Holy Father, in his famous Encyclical, *Aeterni Patris*, recommended the study of that philosophy, and spoke of the benefits it would bring in its train, he was speaking first and foremost to Catholic scholars. But his words had, obviously, a wider application ; for the need of the teaching and the spirit of St. Thomas is yet greater in the troubled world of modern thought. Hitherto, however, there has seemed to

be little likelihood of the great mediæval doctor finding so much as a hearing in the outside world. Even those who are most industrious in studying the history of early philosophies, too often fight shy of the scholastic folios. Some praiseworthy attempts have been made by Catholic writers, both here and abroad, to rescue their pages from oblivion, and set their teaching in a true light. But we fear that such works are but seldom read by those who need them most. Now, however, we have an earnest of better things. By what happy inspiration we know not, the authorities of the City and University of Amsterdam have opened their schools to St. Thomas, in the person of one of the ablest and most learned brothers of his Order, the Rev. Father De Groot, O.P. Those who know the writings of this true disciple of the saint could wish for no better or happier choice.

At the inaugural address delivered by the new professor, on October 1st, 1894, the Catholic Archbishop of Utrecht and the Bishop of Haarlem were present in a place of honour near the civic and academic authorities. The novelty of the event attracted a large and attentive audience. And we are glad to see that the lecture itself has since been made accessible to a yet wider circle in the pages of the *Revue Thomiste* for January, 1895. The hopes which were awakened by the announcement of Father De Groot's appointment are further strengthened as we read his opening words. Treading in the steps of St. Thomas, he begins his task by taking a wide survey of the whole subject before him. And, with a true instinct, he gives a living personal interest to what might else be a dry summary of doctrines. Instead of speaking, in the abstract, of Thomist philosophy, he tells his hearers of St. Thomas the philosopher himself, what manner of man he was, and what were his aims, his principles, and his method of work. The philosophy of the mediæval schools is thus seen living and working in the person of its greatest master. And besides giving this attractive picture of the Thomist teaching in itself, the lecturer finds room for a well-timed word on its relation to modern thought and the march of the physical sciences.

But we may remind our readers that this is by no means the first time that this Dutch Dominican has set himself to give his countrymen of to-day a full and faithful picture of St. Thomas and his teaching. No one can read the inaugural address without looking forward with lively anticipation to the course which is to follow it. But there are some of us to whom it brings back a pleasing recollection of the pages in which Father De Groot has already told us the story of the life and labours of the Angel of the Schools. In that life, published some thirteen years since, he has shown us the great philosopher, and, what is more, the whole man and his whole work.<sup>1</sup> The book is, unfortunately, little known to English and Irish readers, to whom it has the disadvantage of coming "in an alien garb." There is more reason to regret this, as it is perhaps the most satisfactory life of the saint that has yet seen the light. It is emphatically a life, and not a history of the times or of scholastic theology. Not that these topics are wholly ignored, for the life itself would be incomplete without them. But all that the author tells us falls into its proper place, and we never lose sight of the central figure of the saint himself. The book is written, as a biography should be written, in one clear consecutive story, beginning with the birth, and closing with the death of its subject. It is thus a pleasing contrast to those lives which, as Cardinal Newman says, "chop up a saint into chapters of faith, hope, and charity, and the cardinal virtues." Even the saint's voluminous writings are not treated apart, but are noticed each in their turn in the course of the narrative.

In one of his best and most striking chapters, Father De Groot dwells at some length on one part of the saint's work, which is, perhaps, in some danger of being forgotten. We are so accustomed to think of St. Thomas as the great philosopher and theologian, the pattern and patron of all Christian scholars, that we may easily miss the valuable lessons he has left for all priests and preachers. It is,

<sup>1</sup> *Het Leven van den H. Thomas van Aquino, Kerkleeraar en Patroon der Studien*, door P. Fr. J. V. De Groot, O.P., Sac. Theol. Lect. Utrecht, 1882.

therefore, well to remember, that the lecturer who is now interpreting the Thomist philosophy to the students of Amsterdam, has already given an admirable account of the saint's preaching. To some of his readers, this chapter on St. Thomas as a preacher may well seem the most instructive in the whole volume. And possibly some notice of its contents may be welcome to those who have no opportunity of reading it for themselves.

Before speaking of the preaching of St. Thomas himself, Father De Groot has a word to say on the general character of the preaching of the age in which his lot was cast. And though he speedily passes on to his immediate subject, he says enough to bring up before us a picture of those days when the faith was still a living force deep in the hearts of the people, and even the worldly and wayward were readily moved to repentance by the simple earnest words of zealous preachers of the Gospel. In Paris especially, where such great multitudes thronged to the university, in the exuberance of youth, and with all the fire of a new-born zeal for learning, there was need for another eloquence besides that of the professors of philosophy and scholastic theology. The city was at hand with all its temptations, and scenes of strife and trouble were only too common. And among the most effective remedies for these evils in the city and the schools was the power of the preacher. The pulpit, Gibbon's "safe and sacred organ of sedition," was really the surest support of order and authority. Naturally enough, the Friars Preachers bore their part in this good work as they did in the chairs of philosophy and theology. And among the rest St. Thomas, during his stay in Paris, preached to the students of the university, and to the general populace, besides giving conferences or discourses to the brethren of his order. Some of his sermons, of all these three classes, are still happily extant, though, for the most part, in a somewhat skeleton shape.

But it is not only from these precious remnants of his sermons that we can form some notion of the preaching of St. Thomas. As Father De Groot takes care to remind us, the saint, in more than one passage in his writings, has laid down

some rules for the guidance of preachers. From what he says, we may learn his own ideal of the preacher's office, and understand the method which he followed in his own sermons. Thus in his commentary on the Gospel of St. Matthew (v. 13), he says that the preacher of God's word must have three properties: stability, so that he may not depart from the truth; clearness, so that he may teach without obscurity; and usefulness, so that he may seek the praise of God, and not his own. Elsewhere, when he is answering the assailants of the religious orders, the saint has occasion to speak of the use of learning in the pulpit. It was one of the charges brought against the friars, that they corrupted the simplicity of the Gospel by words of earthly wisdom. Accordingly, we find St. Thomas devoting a chapter of his work, *Contra Impugnantes Religionem*, to the consideration of this subject.<sup>1</sup>

After citing various texts which were used to support the objection, the saint solves the difficulty by one of his luminous distinctions. To use worldly wisdom and eloquence in expounding Holy Scripture, is worthy of blame, if it be done from boastfulness, or if it be made the chief aim of the preacher. For, then, he will neglect or deny doctrines that agree not with worldly wisdom. And he that aims chiefly at eloquence, "seeks to win admiration for him that speaketh not for that which he saith." But it is otherwise, when such wisdom and eloquence are only employed for the profit of the hearers, and are made subservient to the sacred doctrine itself.

These are the only passages of the kind cited by Father De Groot in the present chapter.<sup>2</sup> But we must add a word on another of the saint's small works from which the author makes some brief extracts elsewhere in his volume, the *Responsio ad Lectorem Bisuntinum de sex articulis*.<sup>3</sup> We do this the more willingly, as this little work has an interest and a value of its own that belongs to none of the

<sup>1</sup> *Opusculum* xix., cap. 12: "Quomodo Religiosos impugnant quo ad ordinatam prædicationem."

<sup>2</sup> *Het Derde Boek, Hoofdstuk iv. De H. Thomas als Redenaar enz.*

<sup>3</sup> *Opusc.* xii.



great masterpieces, such as the *Summa*, or the Comments on the Scripture, or on the Philosopher, or the Master of the Sentences. Who does not remember those charming pages in which Cardinal Newman speaks of his own devotion to the ancient saints? He loved them, so he tells us, because he knew them so intimately from those familiar letters which have been so happily spared to us. Other saints can seldom be so well known to us; and among these silent saints, the Cardinal, however reluctantly, puts the Angelic Doctor, because, in spite of his voluminous writings, he has told us so little about himself. But, *pace tanti viri*, there are some writings of St. Thomas not unlike those familiar epistles of the early fathers. Scattered among the *Opuscula*, in the midst of abstract treatises and philosophical dissertations, are some nine or ten little works which are really neither more nor less than letters. It is true that they all deal with some definite questions in philosophy or theology, and may so far claim to rank as *opuscula*, or little treatises. But the same may, surely, be said of many of the letters of the fathers themselves. The first letter of St. Basil to Maximus is a critical notice of the writings of St. Dionysius. But it is none the less a true letter, and has that personal element, that revelation of the writer himself, which is the chief charm of the familiar epistles. Speaking of the letters of the fathers, Cardinal Newman says: "A large portion consist of brief answers to questions asked of the writer, or a few words of good counsel or spiritual exhortation, disclosing his character either by the topic selected or his mode of dealing with it." Much the same may be said of these epistolary *opuscula* of St. Thomas. It is true that here we have but a poor decade against the hundreds and thousands of the letters left us by the fathers. The scarcity, however, does but add to their value.

The *Opuscula* of St. Thomas are, probably, less read at the present day than his larger works. And it is likely enough that many of those who do consult their pages look mainly at the matter they contain, and not at the epistolary form in which some of them are cast. Yet these little personal touches which are so easily missed, are among the

most valuable portions of the saint's voluminous works, for they reveal to us the character of the writer himself. We feel his native humility in his letter to the Duchess of Brabant, when he wishes that she had put her question to one better versed in the subject; his prompt obedience in the opening words of the works addressed to the Master-General; his devotion to the feasts of Holy Church in the preface to the *Opusculum de Substantiis Separatis*. And in them all we can see the tender affection for the "dearest brothers" to whom he writes, and his readiness to lay aside his own more weighty works in order to answer their questions and solve their difficulties. Nowhere is this more plainly seen than in the short, though full and luminous letter which dissipates the doubts of Brother Gerard of Besançon. "To his dearest brother in Christ, Gerard of Besançon, of the order of Friars Preachers, Brother Thomas of Aquino of the same order, sends greeting, with brotherly love. I have received your letters containing certain articles concerning which you besought me to give an answer; and though I was occupied with several things, I have taken care to answer you as soon as occasion offered, that I might not be wanting to the prayer of your charity." After solving the six doubts, in turn, the saint concludes: "These things, dearest Brother, are what at present occur to me as answers to the questions proposed by you, for which, if you please, you may lend me the help of your prayers."

Of the six articles, no less than five have reference to the subject of preaching. The first three concern certain curious opinions as to the shape of the star of Bethlehem, on which the saint says: "Because it is not held for certain, I consider that this should not be preached . . . For it does not become the preacher of the truth to go aside after unknown fables." In like manner, he says in answering the fifth question: "I think not that such frivolous things should be preached, when there is such abundant opportunity for preaching those things which are of most certain truth." At the same time, the saint prudently adds, that if these opinions had already been taught from the pulpit, they need not be publicly retracted, unless there should chance to be

some danger of scandal arising. Few will be found to doubt the sound sense of these answers ; but the foolishness and simplicity of the questions may well provoke a smile. And we may be tempted to regret that the great doctor should have been called from his learned labours to deal with such puerile problems. Yet, in truth, there is little reason for regret. Rightly considered, the letter of St. Thomas has a lasting value, and conveys a lesson we could ill spare. It is true that professors of the present day are not likely to be anxious about the opinions which troubled the soul of Friar Gerard of Besançon. And there is little danger of our preachers proclaiming these singular opinions from the pulpit. But there are, possibly, other frivolous or unseemly subjects intruded into our sermons, which deserve the saint's just rebuke far more than the comparatively harmless absurdities of which he is speaking.

It is surely significant that the present Holy Father, who has done so much to promote the study of St. Thomas, has lately found it necessary to remind our modern preachers of the true duties of their high office. He was speaking, it is true, to Italians only ; but his words may well cause some searching of heart in quarters nearer home. There are various causes which may possibly help to explain what we must consider the unsatisfactory state of much contemporary preaching. Among these we may mention the prevailing spirit of controversy, the desire of novelty, and a not wholly unnatural reaction against the dull dead level of some old-fashioned pulpit prose. These things may explain and extenuate, but they can hardly suffice to excuse, the sermons we too often hear, or read in our journals, full of smart quotations from modern writers, unsparing attacks on Anglicans or other non-Catholics, with sorry jests and unseemly sarcasms. We confess we had rather hear the good preachers of Besançon tell their simple tales. And the words of St. Thomas still sound a much-needed warning: "*Non enim decet praedicatorem veritatis ad fabulas ignotas divertere . . . Nec aestimo hujusmodi frivola esse praedicanda, ubi tanta suppetit copia praedicandi ea quae sunt certissimae veritatis.*" Assuredly, there

is no dearth of matter for preaching in the great mysteries of the faith, which are too often but imperfectly known to our own people. And even those outsiders who may chance to find their way into our churches are far more likely to be won by hearing a lucid exposition of Catholic doctrines than by any attacks on their own.

The preachers of to-day may, thus, learn much from the precepts and advice of St. Thomas. And the lesson is further enforced by the example left in the saint's own sermons. Here also, as Father De Groot takes care to remind us, we are fortified by the words of the present Holy Father. In 1880, the year after the publication of his Encyclical on the Thomist philosophy, His Holiness addressed a letter to Canon Raulx on the occasion of his edition of the sermons of St. Thomas. From this letter Father De Groot cites the following words: "Inasmuch as his (St. Thomas's) rare wisdom affords a rich harvest, not only for instructing the mind with sound doctrine, but for promoting the pious cultivation of the soul and of morals, we are thoroughly convinced that your care in publishing these sermons will bring very great help to the industry and labours of those who are spreading abroad among the faithful the word of life and the seed of divine truths."<sup>1</sup>

These sermons of St. Thomas are generally preserved in a somewhat imperfect shape. In very many cases we have but a sketch giving the main substance or groundwork of the sermon, as it was reported by one of the saint's disciples. And instead of the native French or Italian, in which the sermons were preached to the people, we have them only in a Latin dress. But as the discourse addressed to the saint's Dominican brethren would, doubtless, be in Latin, we may take it that in this case, at least, we possess the original. Here, again, we are reminded of the very various character

<sup>1</sup> "Cum enim insignis ejus sapientia non solum ad mentes sana doctrina instruendas, sed etiam ad pium animorum morumque cultum promovendum uberrimam messem suppeditet, omnino censemur curas a te adhibitās in iis sermonibus edendis plurimum adjumenti allaturas eorum industriae et laboribus, qui inter fideles verbum vitae et divinarum veritatum semen effundunt." The title of the edition of Canon Raulx is "*Divi Thomae Aquinatis Sermones et Opuscula Concionatoria*."

of the *Opuscula* of St. Thomas. We have seen that some of them are familiar letters thrust in among commentaries and dissertations ; but this is by no means all. As Father De Groot observes, the *Opuscula* on the Lord's Prayer, the Angelical Salutation, the Creed and the Commandments, are discourses or conferences addressed by St. Thomas to the brethren of his own order.

One of the most striking of the little sermons is the commentary on the Hail Mary. Here the meaning of the words is clearly and simply set forth with the systematic order and thoroughness so familiar to all readers of the *Summa*. At first it seems little more than an instruction or explanation of the prayer, with scarcely a trace of that tender beauty that breathes in the saint's hymns or in his prologues to the Sentences. But before he has done with the *Ave Maria*, St. Thomas strikes a deeper note, and moves the hearts of his hearers as he has already instructed their minds :—" 'Blessed is the fruit of thy womb.' Sometimes the sinner seeketh in something that which he cannot obtain, but the just obtaineth it. 'The substance of the sinner is kept for the just' (Prov. xiii. 22). Thus Eve sought the fruit, and therein she found not all those things which she desired. But all that Eve desired, the blessed Virgin found in her fruit. For Eve in her fruit desired three things: *Firstly*, that which the devil had promised her falsely, that they should be as gods, knowing good and evil. You shall be, said that lying one, like gods, as it is said in Genesis iii. 5. And he lied, because he is a liar, and the father thereof. For Eve, by eating the fruit, became not like to God, but unlike Him ; since by sinning she forsook God her Saviour, and was cast out of Paradise. But the Blessed Virgin found this, and all Christians find it in the fruit of her womb, because by Christ we are joined to God, and made like to Him : 'when He shall appear we shall be like to Him' (1 John iii. 2). *Secondly*, Eve desired delight in her fruit, for it was 'good to eat.' But she found it not ; for forthwith she knew herself to be naked, and had sorrow. But in the fruit of the Virgin, we find sweetness and salvation. 'He that eateth My flesh hath everlasting life

(John vi.). *Thirdly*, the fruit of Eve was beautiful to behold But more beautiful is the Virgin's fruit, 'on whom the angel's desire to look;' beautiful above the sons of men, and this because He is the brightness of the Father's glory. Eve, therefore, could not find in her fruit that which the sinner cannot find in his sins. Wherefore, let us seek what we desire in the fruit of the Virgin. But this fruit is blessed by God because He hath so filled Him with every grace that it cometh on to us when we do Him homage. 'Blessed be the God and Father of our Lord Jesus Christ, who hath blessed us with all spiritual blessings in heavenly places in Christ' (Ephes. i. 3); by the angels, 'Benediction, and glory, and wisdom, and thanksgiving, honour, and power, and strength to our God' (Apocalypse, vii. 12); by men, 'that every tongue should confess that the Lord Jesus Christ is in the glory of God the Father' (Philipp. ii. 11). 'Blessed be he that cometh in the name of the Lord' (Psalm cxvii. 26). Thus, therefore, is the Virgin blessed, and her fruit is yet more blessed."

This discourse on the Angelical Salutation is not divided, and was probably all delivered at one time. From its length, we may conjecture that the extant report is fairly complete. The preceding *Opusculum* on the Lord's Prayer is divided according to the seven petitions; and, apparently, contains as many separate discourses, if not more. We see a trace of this in the conclusion of the section on the third petition: "And they that so weep come to the Fatherland, to which may He bring us," &c. In other words, it is the familiar ending of a sermon, "a blessing which I wish you all." The same phrase occurs also at the end of the sixth petition.

Father De Groot makes but a brief mention of these cloister conferences, and dwells at more length on the sermons for Sundays, and those for the feasts of the saints. As a specimen of the latter class, he gives a short extract from a sermon on St. Mary Magdalen, where the saint takes his text from Genesis ix. 13: "I will set My bow in the clouds." St. Thomas applies these words to the holy penitent, whom he likens to the rainbow in its beauty and

brightness, when the sunlight of her Saviour's grace and mercy shone through her tears of sorrow. As an example of the Sunday sermons, we are given a discourse on Palm Sunday, in which the text from the Epistle of the day, "Qui cum in forma Dei esset non rapinam arbitratus est esse se aequalem Deo sed semetipsum exinanivit" (Phil. ii. 6, 7). This is printed in its entirety, and it fully bears out the statement of Father De Groot, that the sermons we possess are often little more than the plan or groundwork of the saint's discourses. There is enough, however, to let us see the method on which St. Thomas went to work. The framework of the sermon is furnished by an analysis of the Scripture text. Like the discourse on the *Pater Noster*, it ends with the words, "wartoe ons leide enz;" "Ad quam nos perducatur," &c. We are told, on the authority of Uccelli, that the sermon for the second Sunday after the Epiphany, on the text, "Puer Jesus proficiebat," &c., is extant very nearly in the shape in which it was preached to the students of the Paris University.

These Sunday and festal sermons are now included in the complete editions of the works of St. Thomas, where they were formerly looked for in vain. Some of them, indeed, have only seen the light in recent years. But the conferences on the Lord's Prayer, with the others we have mentioned, may be found in all the editions of the *Opuscula*. And if we were confined to these alone, we might still form a good notion of the saint's method of preaching. True to the maxims laid down elsewhere in his works, he keeps to the doctrines of the unshaken truth, he sets them forth clearly and simply, and plainly seeks not his own praise, but the profit of his hearers. Well may he say in his letters to Friar Gerard: "Tanta copia suppetit prædicandi ea quæ sunt certissimæ veritatis." The matter of these little sermons is drawn from that rich field of doctrine and spiritual truth, in which we may roam at large in the pages of the *Summa*, and the *Commentaries*. And there are few portions of these great works that would not furnish ample matter for similar sermons.

It will be well for our modern philosophers, if they

hearken to the advice of the Holy Father, and sit for a while at the feet of the Angelic Doctor, listening to his teaching, and learning to work in his spirit, and with his safe and sober method. And we may well rejoice to see this Dutch disciple of St. Thomas working so well to bring about this happy result. But there will be yet more reason to rejoice if our preachers are moved to make the same saint their guide and pattern. There, they may learn to avoid all themes unworthy of their high office, to leave what is foolish and frivolous, and keep instead to the rich fund of sacred doctrine which can never be exhausted. Of him, too, they may learn the simplicity of manner which brooks no needless learning or high-flown language, and the pure intention which seeks not the preacher's praise but the triumph of divine truth. These, assuredly, are not the least of the lessons left us by the Angel of the Schools.

W. H. KENT, O.S.C.

## THE DIVINE OFFICE IN THE ARMENIAN CHURCH

### III.—THE CANONICAL HOURS

THE Armenian Office has nine daily hours; namely, the Night Office, the Morning Office, Prime, Terce, Sext, None, Vespers, the Hour of Peace, and the Hour of Repose. Prime, however, is only recited during Lent, as is also the Hour of Peace. During the rest of the year, the Hour of Repose takes the place of the latter. These three last-named Offices are of later origin than the remaining six canonical hours. Monsignor Sukias Somal,<sup>1</sup> the learned Abbot-General of the Mekhitharists, attributes the introduction of Prime to the Katholikos Jezr of Faraznacert (629); but St. John Ozniensis (719), whom he quotes, only mentions that this patriarch ordained that Psalm cxii. should

<sup>1</sup> *Sukias Somal, Quadro della Storia Letteraria di Armenia.* Venice, 1829, page 89. Compare Ozniensis, page 280.



be recited at the end of the morning service, at which place we also meet it in the Bangor Antiphonarium. Likewise Psalm iv. at the end of Vespers, mentioned by Ozniensis, took the place of the Complin (the Hours of Peace and Repose), of which there is as yet no trace in the eighth century. The corresponding Greek hours (the *Apodeipnion*, in two different forms, for Lent and the rest of the year) are most probably of a comparatively recent date. According to Neale,<sup>1</sup> the small hours, Terce, Sext, and None, are only chanted on those days when there is no Mass; that is, on all the fasting days. This is certainly not the case with the Armenian Uniats, nor, as far as I can see, with the Schismatics. I fear Neale must have been mistaken. The Rubric orders Mass to be sung after None. The Armenian Church still adheres to the old rule, according to which Mass is always solemnly sung, with the assistance of ministers and of the choir. Low Masses have only recently been introduced by the Mekhitharists. Though the Armenians reserve the Blessed Sacrament in a kind of Tabernacle, Holy Communion is not given from the ciborium, but the priest consecrates a very large host which he divides between himself and the communicants. Should the latter be too numerous for one host to suffice, a second, or even a third High Mass is sung in the same church, but not at the same altar.

On great feasts some of the hymns of the Night Office are also sung at Vespers of the previous day; on the most solemn feasts there is an all-night service, during which many psalms and hymns are chanted and large portions of Scripture are read, something like the Prophecies in our Holy Saturday Office, except that this service occupies the greater part of the night. On ordinary days, however, the Office does not begin with Vespers, as in the Greek and Roman Churches, but with the Night Office. A rapid summary of the various parts of the Office will fittingly illustrate many things I have said in these articles, and will allow the reader to judge for himself the merits of the Armenian liturgy.

<sup>1</sup> Introduction, page 380.

Each of the canonical hours bears a title which briefly indicates the mystical sense of the service. Thus, the Midnight Office is in honour of the Eternal Father, while the Morning Office is dedicated to the Son of God, who manifested Himself to the holy "balm-bearers," the pious women who early on Easter morning went with spices to the tomb of the Saviour.

The Midnight Office begins with a blessing pronounced by the officiating priest: "Blessed be our Lord and Saviour, Jesus Christ, Amen." After the Our Father, and the twice-repeated "Lord, open Thou my lips," the choir sings: "Blessed be the consubstantial, co-essential, and indivisible Holy Trinity, the Father, the Son, and the Holy Ghost, now and for ever, world without end, Amen." After this brief introduction follows the Tetrapsalmus, of which I have spoken in my last article. St. John Ozniensis explains the mystical meaning of these four psalms at great length, and indeed with deep understanding; but I cannot, either here or elsewhere, follow him into details without overtaxing the patience of my readers. The "Glory be to the Father" at the conclusion of the fourth psalm is not sung to the ordinary psalm tones, but has a joyful and elaborate tune of its own.

The same joyful strains pervade a canticle sung after the psalms and due to the inspired pen of Nerses IV., Katholikos of Armenia from 1166 to 1179. To distinguish him from other celebrities of the same name, he is surnamed *Clajensis*, from the castle Rom-Cla which he made his residence for a long time; and also *Shnorhali* (the Graceful), on account of his poetical talent. He was the first to introduce rhyme into Armenian poetry; but his taste is not always beyond criticism; the biblical epos, *Jesus the Son*, an abridgement of both the Old and the New Testament, in eight thousand verses, all rhyming on *in*, is most decidedly a failure.

In other respects he was more successful, both as poet and as theologian; and he is one of the principal contributors to the Armenian hymnology. The canticle of which we are now speaking, is in prose, and sounds quite scriptural. "Let us remember in the night, Thy name, O Lord; let our heart bring forth the good word, and let our tongue

announce Thy works, O King of heaven. Risen in the midst of the night, let us confess Thee, Lord. Let us bring our prayers before Thee, O Lord, in the sanctuary, in the midst of the new Jerusalem. In the night let us lift up our hands in righteousness to Thee, O Lord. Let every spirit praise the Lord." When this canticle, of which I have only given the beginning, is finished, the deacon reads the *preconium*, preparatory to the Collect which is said by the priest. Such is the never-failing practice of the Armenian Church; and at the present time it is, I believe, one of her peculiarities, though formerly it was quite a universal custom. All my readers will remember the solemn prayers sung on Good Friday after the Passion, but before the unveiling of the Cross. Strictly speaking<sup>1</sup> they have no particular reference to the Good Friday solemnities, but are merely a relic of a former phase of the Roman liturgy, in which they formed part and parcel of every Mass. They disappeared probably on the introduction of Low Masses, and as I have said, are now only retained on Good Friday. These prayers consist of two parts. First, an invitation to the faithful to pray for a certain intention, and this is what we call the *preconium*. For instance: "Dearly beloved, let us pray for the Holy Church, that the Lord our God may give her peace," &c. The deacon says: "Let us bend our knees;" and the subdeacon adds: "Arise" (like the *ὁρθοί* in the Greek and Armenian liturgies), to which the priest adds the prayer: "O Almighty and Everlasting God, who didst reveal Thy glory to all people in Christ," &c. In the Armenian Church the *preconium* is sung by the deacon, and the Collect by the priest; and this is probably the more ancient custom.<sup>2</sup>

The *preconium* following upon the canticle of Nerses, as well as the collect belonging to it, are the work of John Mantagoony, Katholikos from 480 to 487. The collect in this case is separated from the *preconium* by the *Kyrie eleison* (*dér oghormea*), which is said three times on Sundays and

<sup>1</sup> See an article by Dr. Gasquet in *The Dublin Review*, July, 1890, page 77. See also Migne, *P.L.*, 78, 313, n. 240; *ib.*, 468, n. 680.

<sup>2</sup> See *Ord. Rom.* x., n. 14, Migne, *P.L.*, 78, 1014, *alias a Papa dicit orationes in Parasceve.*

feasts of our Lord, fifty times on saints' days, and a hundred times on fasting days. Moreover, there is another hymn, varying according to whether the day be feast day or fast day, one and the other being by Nerses; these are of thirty-six stanzas of three verses each. After the collect, the portion of the psalter, and the canticle corresponding to the tone of the day, should be recited; but, as I have already said, it is, as a rule, left out, and the *caput canonis* takes its place.

This much of the Midnight Office is common to all days, with due allowance for a change in the last-mentioned hymn and the portion of the psalter. But the remainder of the Office varies on Sundays, feast days, and in Lent.

On Sundays, and on the days following some of the greatest feasts, the Office of the Dead is here inserted. It is composed of a long *Sharagan* (hymn) varying also, like almost every part of the Office, according to the tone of the day; of an appropriate psalm, a lesson from the Gospel, a second hymn, the *preconium* of the deacon, and the priest's collect, which closes this magnificent episode of the Night service. The second hymn is the work of Nerses Clajensis. The rest of the whole Office of the Dead was composed and introduced by the Katholikos Peter († 1058), surnamed Kiedatartz, or "turning the river," in allusion to a miracle he had performed in the year 1022. Having been sent by King John as ambassador to the Greek Emperor Basil, the latter, believing that the Armenian form of blessing the rivers on the feast of Epiphany was vain and ridiculous, or, at all events, inferior to the Greek ceremony, directed Peter to bless a small neighbouring river in his own presence. While the Pontiff was pouring the sacred chrism on the waters, and making the sign of the cross over them, the current suddenly stopped, and the waters rolled back towards their source. Not alone the Emperor, but also an innumerable multitude witnessed this miracle, and were struck with admiration and awe. During the lifetime of Peter Kiedatartz the Armenian kingdom came to an end. Gagghik II., the last of the Pagrađunian dynasty, was sent into exile (1043) after having fought gallantly but unsuccessfully against the

combined forces of Scythians and Persians. The Greek troops in Armenia, numbering sixty thousand, under the command of Kamenas, did not so much as stir, and the Armenians, thrown on their own resources, were not strong enough to stem the tide of the Scythian invasion. But the misfortunes of the country survived the fall of the kingdom. Three times within two years (1048 and 1049) the barbarians laid waste nearly the entire territory. Their armies mustered as many as one, and even two hundred thousand men. During the third invasion they besieged Ardzen; they levelled to the ground its eight hundred churches, and massacred one hundred and forty thousand out of three hundred thousand inhabitants. Those whose life was spared were driven into captivity. Horrors of that kind (for this is but an instance), only surpassed by the atrocities of Tamerlane three centuries later, might well inspire the holy Pontiff with the doleful strains of his hymns for the dead. The following is a translation of the hymns for the first tone. It occurs this year (1895) on 9th June, 4th August, 29th September, 24th November. I insert it in full, so that the reader may form an idea of an Armenian *Sharagan* :--<sup>1</sup>

"Praise is due to Thee, O God, who by one word causest the resurrection of the dead for all eternity. We exalt Thee, mighty King, at Thy second coming. Christ, King of glory, the souls of the departed shall be renewed at the sound of the trumpet, and shall rise from death with immortal bodies. Wherefore we sing to Thee, Heavenly Father. Receive our departed ones in the Jerusalem above, into the society of the firstborn [whose names are] written in heaven.

"The Life-giver raiseth His voice with words divine: Come, ye blessed of My Father, He saith; inherit the life prepared for you from the creation of the world. They come with faith to meet Thee in the heavenly society. Resplendent with the light issuing from God in the midst of the choir of angels, to hear the voice of the invited blissful guests. Place [them] at Thy right hand, with the prudent and holy virgins, in the brilliant mansion, prepared in the city of angels, in the society of the firstborn [whose names are] written in heaven.

"Receive, O Christ, the souls of Thy servants into the choir

<sup>1</sup> A collection of these hymns was published by Prof. Nève, in 1855, and reprinted in the same author's *L'Arménie chrétienne*, already referred to.

of the firstborn [whose names are] written in heaven. Receive on their behalf our reasonable service (Rom. xii. 1), and grant to them pardon on the last day.

*"Of the Sunday.*—Have mercy on me, O God. By not keeping Thy first commandment we have died. Grant to us, after Thine example [to keep] the precepts of life, and by thus keeping them, to live. Have mercy on me, O God. Thy Church, O Christ [was founded] in the mystery of Thy voluntary death, which destroyed the law of sin; but rising with Thee, I shall be renewed in glory. Have mercy on me, O God.

*"Of penitence.*—Father of mercies, I confess to Thee, even as the prodigal son. Pardon all my sins, and have mercy. Lord, who didst have compassion on the Cananean woman, have compassion also on me, a sinner; yea, have mercy. Lord, who didst bring back the publican to the knowledge of truth, bring me also back, though I have strayed, and have mercy.

*"Of Lazarus,*—On the day when Thou wert staying at Bethania, Thou, the all-powerful, didst call Lazarus, and lo! death trembled, the Limbo was emptied, destruction was destroyed. Christ, Life-giver, save us! On the day when Thou wert staying at Bethania, Thou didst manifest beforehand Thy world-saving resurrection, [calling] with immortal voice him who had lain in the sepulchre four days. Life-giver Christ, save us. On the day when Thou wert staying at Bethania, the children of the Hebrews said, wondering: the Son of Mary did resuscitate from the grave the brother of Mary. Life-giver Christ, save us.

*"Of the Resurrection*—Thou, who in an ineffable manner art consubstantial with the Father, didst ascend the cross according to the Father's will, have mercy. Giver of immortality, Christ, Thou didst descend into the grave, even like [any] man,<sup>1</sup> have mercy. And on the third day, Thou didst rise, Thou didst fill us with the hope of [our own] resurrection, have mercy.

*"Of the Holy Ghost.*—Thou, who at all times art God, and who didst descend from heaven with a loud voice, Holy Ghost, have mercy on us. Thou who didst fill the earth with Thy power, and who didst descend upon the choir of the Apostles, there to dwell, Holy Ghost, have mercy on us. Thou, who art indivisible in Thy Godhead, and didst hover over the Apostles in [the form of] cloven tongues of fire, Holy Ghost, have mercy on us.

*"Of the Mother of God.*—Thou, who receiving the message of the Holy Ghost through the archangel of empyrean nature, wert filled with joy: Hail, the Lord is with thee, Mary ever-blessed. The Word, without beginning, was pleased to take a beginning from thee, virgin, in His incarnation, Christ, God and King for ever. We cry to thee, holy Mother of God, intercede with

<sup>1</sup> Could the two natures in Christ be more strikingly placed in antithesis than in this and hundreds of similar passages.

Christ, that He may save His Church, redeemed by His own blood.

"*Of the Cross.*—The marvellous and resplendent wood of Thy cross, O Christ, the sceptre of power, manifested on earth : come, ye nations, let us adore it. It was hidden by the Jews, a treasure that could not remain hidden. Through the zeal of a queen the tree of life was discovered. Come, ye nations, let us adore it.

"Glory be to the Father, and to the Son, and to the Holy Ghost.

"It [the Cross] is the sword of victory for the faithful ; the leader, the victorious standard against the enemies. Come, ye nations, let us adore it.

"Now and for ever, world without end, Amen.

"Be merciful, O Lord, in virtue of Thy Holy Body and Blood, and grant to them [the faithful departed] to be placed at Thy right hand."

The imitation of Greek models is unmistakable in this as in many other hymns. The office of the dead is replaced during Lent by a commemoration of the Passion and Death of our Lord, composed in a similar way ; a first hymn, a psalm, a chapter from the Gospels, a second hymn, and the *preconium* with the collect.

The third part of the Night Office begins with the "Great Blessing," that is, the first and most elaborate portion of the Canon of the day. The word *Orhnoothiùn*, which I translate here "blessing," can also mean "canticle ;" and as the commemoration of the dead, and of the Passion are comparatively late insertions, the "great blessing" or "canticle" originally followed closely upon the scriptural "canticle," at the end of the psalmody. Hence the name "great blessing," to distinguish it from the preceding short "canticle" or "blessing." It is similar in construction to the canons of the dead, namely a collection of stanzas, partly on the subject of the feast, partly on other topics, indicated by the titles of the stanzas. On many occasions the "great blessing" has to be looked for in the *Common Offices*, even when there are proper hymns for other parts of the office. As I have already given an example of a complete *Sharagan*, I will here only insert one stanza from the Canon of Epiphany, because it contains

a conclusive passage against the charge of Monophysitism :—

“ Light of light, Thou wert sent from the Father, and wert made man from the Holy Virgin, that Thou mightest renew that which was corrupt in Adam. Thou, O God, didst manifest Thyself on earth, and didst converse with man, and didst redeem the universe from the curse of Adam. Thy Father’s voice bore witness to Thee from heaven, saying: This is My Son, and the Holy Ghost, under the symbol of a dove did render Thee manifest.”

A short prayer, variable according to the season or the feast, connects the “great blessing” with the “bidding verses.” Under “bidding verses” we understand short invocations, made by the celebrant, to which the congregation responds. They are one of the most ancient forms of public prayer, and are to be found in every liturgy, sometimes isolated, at other times united into what may appropriately be called a litany. Strange to say, they have been much curtailed in the revised Roman breviary of S. Pius V. The fact is, that “bidding verses” lose a great deal of their spirit, when said in private, and practical reasons compelled the revisers of the breviary to take into consideration the comparatively small number of collegiate churches which survived the religious and political troubles of the sixteenth century. From an antiquarian point of view, however, the practical abolition of “bidding verses” must be deeply deplored. Originally, the Armenian Church merely adopted those in use in the Greek Church. But already St. Isaac, Katholikos from 390 to 440, divided them into four sets, corresponding to the ecclesiastical tones, and this arrangement is still held in honour. They are recited in regular rotation day after day, and are followed by prayers. As an example of an Armenian prayer, I will quote the one corresponding to the first set of “bidding verses.” The opening words are probably meant for a protest against the Persian belief in a good and bad principle; the first governing the day, the second the night. Armenia suffered more than one religious persecution at the hands of the Persian Magi :

“ Lord of the day and Creator of the night, who didst make the day for the exercise of good works, unto the salvation of our



souls, and the night for the repose and sleep of our weak nature; since we are now wakeful, do Thou open our lips that we may bless Thy holy, dreaded, and majestic Name. Accept now, also, our supplications, and direct us in the right faith, and in the practice of virtue in Thy service; that, rising early, we may unceasingly sing to Thee, and praise the Father, the Son, and the Holy Ghost, now and for ever," &c.

Whether the words: "Peace be to all," which serve as an introduction to the second part of the prayer, originally were the signal for the "kiss of peace," must be left undecided. That the "kiss of peace" in the ancient Church was not restricted to the Mass, but was also given to the faithful at the Divine Office, appears from some passages of Tertullian, Origen (Rufinus), St. John Chrysostom, and from the rubrics of the East Syrian office books, and the Bangor Antiphonarium.<sup>1</sup> At an early period, however, it was abolished, probably for practical reasons, and, if it had been introduced at all into the Armenian Church, it must have fallen into oblivion long before the time of St. John Ozniensis, as he is silent on the subject, and only mentions the "kiss of peace" at the Mass. A short responsory, mostly taken from the psalms, brings the Night Office to an end.

The Morning Office begins with a few verses from Psalm lxxxix. in which God's blessing upon the work of our hands is asked. Now follows a series of canticles from both the Old and New Testament, viz., the canticle of the Three Children, in two parts, *the Magnificat*, *Benedictus*, and *Nunc Dimittis*. Each of these canticles is accompanied by a hymn, varying according to the tone and the feast. They are much on the same lines as those I have already translated in these pages. On Fridays, the hymn for the first part of the canticle of the Three Children, is taken from the Office of the Dead. The *Magnificat* was formerly only recited on Sundays, contrary to Greek custom.<sup>2</sup> Ozniensis explains somewhat pedantically, why it is at all inserted into the Morning Office, as this commemorates the Resurrection of Christ. "How

<sup>1</sup> Tertullian, *De Oratione*, c. 18 (Migne, *Lat.*, i. 1176), Origen (Rufinus) *In Rom.*, lxc. 33 (Migne, *Gr.*, xiv. 1283) *St. John Chrys. in Math. Hom.*, 32 (Migne, *Gr.*, lvii. 384). See also *Ord. Rom.*, I., § 47, Migne, *P.L.*, 78, 958.

<sup>2</sup> Ozniensis, pages 69 and 229.

could He have risen again, unless He had first died, and how could He have died, unless He had been born? Therefore we should not separate the confession of the death and resurrection from the belief in the Incarnation of Christ." The true answer, however, would be, that as the psalms form the groundwork of the Night Office, so the canticles that of the Morning Service.<sup>1</sup>

After some "bidding prayers," the Office enters, on Sundays, more fully into the contemplation of the Resurrection. Accompanying in spirit the "balm-bearers," the Church of Armenia places herself at the gate of the Holy sepulchre, and as though Christ were still enveloped in the winding sheet, and resting in the rocky grave, she sings to Him: "Arise, O Lord, help us and save us; Lord hear our prayer and hearken to the word of our mouth! and, the Lord reigneth for ever." The answer to this invitation is contained in one or other of the four Gospels of the Resurrection now read, the joyful strains of which find an echo in the hymn on Resurrection. Passing over the *preconium* and the collect, we come to another episode of the Office. The Church, remembering our own unworthiness, and the obstacles that stand in the way to our future resurrection, chants Psalm l., to which is added the *Sharagan*, called *Miserere*. Again some short prayers, and now come the *Lauds*, properly so called; i.e., the three last psalms: "Praise ye the Lord from the heavens." As might be expected, the authors of the hymn-book did not allow such an important part of the service to remain unaccompanied by sacred poetry.

The *Sharagan* finished, the *Gloria in excelsis* is intoned. The use of this hymn at Matins is both widespread and old. The *Apostolical Constitutions*<sup>2</sup> order it to be said both as morning and evening prayer, though the two versions are slightly different. Again, we find the following passage in the little book on Virginité,<sup>3</sup> commonly, though erroneously,

<sup>1</sup> The same thought, almost in the same words, appears in the first sermon of St. Proclus against Nestorius (25 March, 429) Migne, *Gr.*, 65. 681, § 3.

<sup>2</sup> Book vii., chaps. 47 and 48. Migne, *Gr.*, i. 1055.

<sup>3</sup> Migne, *Gr.*, xxviii. 275.

attributed to St. Athanasius: "In the morning say this psalm: O God, my God, to Thee do I watch at break of day (Psalm lxii.) At dawn: All ye works of the Lord, bless ye the Lord (Dan. iii. 57); Glory be to God on high, and peace on earth; good will towards man. We praise Thee, we bless Thee, we adore Thee," &c. Consequently, the "great doxology" occupies a conspicuous place in the morning and evening services of the Eastern Churches, and even of the Celtic Church, for we find it also in the Bangor Antiphonarium. The Armenians attribute its insertion at Matins to the first Council of Constantinople. The wording is somewhat different from ours, but scarcely improved. After the *Gloria in excelsis* there are again "bidding verses" and prayers, one of them beginning with the words: "Holy Mother of the wonderful Light." And this is followed by the Trisagion: "Holy God, holy and mighty, holy and immortal, have mercy on us." I have already alluded to the invocation of our Lord, inserted in it: "Who wast crucified for us." Psalm cxii., which is considered a morning psalm on account of the words: "From the rising of the sun," yields an occasion for the hymnographer to enhance the beauty of the Office by one more *Sharagan*.

On Sundays and feasts the deacon reads the Gospel of the "Cure;" that is, the account of one or other of the miraculous cures related by the Evangelists. The power of miracles in our Lord betokened the divine attribute of Creator of the universe, and this is well brought out in the hymns of Nerses on the first day of the creation.

The conclusion of this prolix service consists on Sundays in a procession (Thabor); it cannot vie with the gorgeous "litanies" of the Greek Church. The community, headed by acolytes with lighted tapers, and the deacon and priest with the Gospel-book and the cross, move down the nave, and wend their way through the narthex to the door of the church, where a blessing is pronounced over the four quarters of the world. Returning to the choir, a short prayer and the Our Father bring the ceremony to an end.

On week days the procession is replaced by a long series of psalms, to which during Lent the canticle of Manasses

is added, with a portion of a beautiful hymn of Nerses on the Passion of our Lord.

The "hours" of the day are comparatively short in the Armenian as well as in other Churches. As far as my reading goes, I find less uniformity in these than in any other services. Nor need we be surprised at this, for the distribution of prayer and manual labour depends necessarily in a large measure upon the climate of each country. Moreover, part of the morning is taken up with the celebration of the liturgy, *i.e.*, the Mass, which in the East always implies a High Mass. I shall pass quickly over the minor hours, as the interest they possess falls far short of that of the night service and of Vespers.

As already stated *Prime*, the "commemoration of the Holy Ghost and of the resurrection of our Lord, and His manifestation to the disciples," is only recited during Lent. *Terce* is the hour of the fall of Adam and Eve, but it also marks the descent of the Holy Ghost. Psalm l., said at this hour is evidently an allusion to the first-named intention. *Sext* commemorates the bitter suffering and the crucifixion of our Lord. We again find Psalm l. accompanied by a beautiful hymn descriptive of every phase of the Passion. Psalm xc., which is also recited at this hour, is well adapted to the time, as it contains a request for the "shadow of the Most High," and seeks for protection against the "arrow that flieth in the day, the business that walketh about in the dark, the invasion, and the noon-day devil." The same psalm is also recited at *Sext* in the Greek Office.

*None*, the hour of the death of our Lord, begins like the two preceding offices, with Psalm l. The hymn contains a detailed description of the expiration of Christ, the descent of His soul into Limbo, and the deliverance of the spirits there detained. With thoughtful piety the Armenian Church makes here a commemoration of the faithful departed, and recites part of the Office of the Dead.

After *None*, Mass is celebrated if the day or the season permits it, and the food of the body is partaken of after the food of the soul. At grace after dinner we find the beautiful

old prayer already known to us from the *Apostolical Constitutions*, St. John Chrysostom,<sup>1</sup> and the Greek Ritual:—

“Blessed be God Who feedeth me from my youth, Who giveth meat to all flesh. Fill our hearts with joy and gladness, that we be content with little, abounding rather in every good work in Christ Jesus our Lord, through Whom glory be to Thee, and honour and strength, and to the Holy Ghost for ever and ever, Amen. Glory to Thee, O Lord, glory to the Holy One, glory to the King, because Thou gavest us food unto gladness. Fill us with the Holy Ghost, that we be found righteous in Thy sight, and not be filled with confusion, for Thou renderest to each according to his works.”

*Vespers*, the “tenth hour,” is instituted in remembrance of the taking down of the Sacred Body from the Cross, its being wrapped in the winding sheet, and deposited in the tomb. The introductory verses are taken from Psalm liv. (vv. 17-19): “I have cried to God, and the Lord will save me. Evening and morning and at noon I will speak and declare, and He shall hear my voice. He shall redeem my soul in peace.” After the “Peace to all,” Psalm lxxxv., is recited, followed as usual by prayers. Then come the Vesper psalms, of which I had occasion to speak in my second article, namely, cxxxix., clx., and clxi. On Saturdays the “Joyful light” is being sung, while the candles are lighted. In the Greek Church it is sung every day, and even twice on those days when there are two Vespers. At the “Great Vespers” it is sung during the solemn entrance of the priest into the Holy of Holies. In this respect the Armenian ceremonial is much more simple; in fact, very poor; for here there is no proper procession, and the hymn is only sung on Saturdays. It was one of the most venerable and most ancient hymns, having been composed by St. Athenogenes<sup>2</sup> at the moment of his

<sup>1</sup> Migne, *Gr. i.* 1057, and 58, 545.

<sup>2</sup> St. Basil, *De Spiritu Sancto*, § 73 (Migne, 32, 205). The Roman Martyrology mentions St. Athenogenes, on January 18th. See also Baronius, ann. 196, n. 7, and the Greek *Horologium* sub 16 July, on which day the Athenogenes in question is being commemorated by the Greeks, although the Roman Martyrology has on the same 16th July another Athenogenes who suffered under Diocletian. The claims of St. Sophronius to the authorship of the *Joyful Light* are sufficiently exploded by St. Basil the Great. The hymn is to be found in an elegant translation in *Hymns Ancient and Modern*, n. 18.

martyrdom, A.D. 196. Though well known and deservedly appreciated in the East, it is all but unknown in the West. The italicized clause, which is not in the Greek, forms part of the Armenian text, and is not "a rubric gone astray," as has been suggested with regard to a parallel passage in the *Gloria in excelsis* in the Bangor Antiphonarium :—

" Joyful light of the Holy Glory, of the Immortal, the Heavenly, Holy, and Life-giving Father, Jesus Christ ! Approaching the time of sunset, and seeing the evening light, we praise the Father, the Son, and the Holy Spirit of God, *and we all say : Amen.* Grant to us at all times to bless with the voice of praise the majestic name of [Thee] the all-holy Trinity, Who givest life ; wherefore the world praiseth Thee."

The usual series of prayers, and the special versicle having been said, the proper evening hymn is now sung. It is taken from Psalm cxi. "Let my prayer be directed as incense before Thee, O Lord ; the lifting up of my hands as evening sacrifice." Then comes another set of prayers, at the end of which follow the Trisagion, as at Lauds, and the psalm : "I have lifted up my eyes to the mountains." This psalm introduces the last part of the canon, which is the hymn called the "Lifting up." The office is concluded with some more psalms and a number of prayers.

Until the eighth century, vespers ended with Psalm iv., after which the clergy retired to rest, until the night officer called them again to the choir. Later on, however, the hours of "peace" and of "repose" were introduced. I cannot give the exact date, but it is quite evident that they both presuppose the great changes undergone by the Greek office in the course of the eighth century. Both these "hours" consist chiefly of psalms. The "hour of peace," which is said during Lent, comprises, among others, the fifteen Gradual psalms, and the entire cxviii. psalm. This latter, however, is now always divided into six equal portions, one for each day. Even so, this hour alone equals in length our Matins and Lauds. The "hour of repose" is considerably shorter ; and, curiously enough, betrays the influence of the Roman liturgy as much

as the other betrays that of the Greek. At least, the insertion of the *Magnificat* and the *Nunc dimittis* suggests a knowledge of Roman Vespers and Compline. There are also hymns, a Gospel, and numerous prayers, and, finally, eight pages of close print for private devotion.

And now, looking back upon this brief description of the Armenian Office, I feel sure the reader will agree with me as to its beauty and as to its defects. The defects are its prolixity, and the tedious repetitions of the same idea; the beauty consists in the elevation of thought, in the ingenuity of composition, and the pious spirit pervading the whole. Dom Guéranger's criticism of the Greek Office applies not less forcibly to the Armenian. Nothing is more beautiful than each separate part, nothing more disappointing than the *ensemble*. Nevertheless it is an interesting portion of the liturgy of the Church, and its study will amply repay the lover of this branch of science.<sup>1</sup>

At present, the Church of Armenia has lost most of her former glory. Ani, at one time the capital of the kingdom, alone possessed the "thousand and one" churches, by which the inhabitants used to swear. The cathedral of this town was built by the same architect who was entrusted with the restoration of that of St. Sophia, in Constantinople, after the earthquake of A.D. 999. The town was entirely destroyed in 1320, and of all the churches and chapels not one escaped ruin. The Cathedral of Khars, once a proud and stately building, is now turned into a mosque. The story connected with its consecration is too characteristic to be passed over in silence. King Apas founded this church in 930, and spared neither money nor labour to render it worthy of its destiny of being the seat of the Katholikos of

<sup>1</sup> For the study of the Armenian language I have found Petermann's *Grammatica Armeniaca*, vol. vi. of his *Porta linguarum Orientalium*, most useful. The latest *Armenian Grammar*, by C. Kainz (in German), is an example of how grammars should not be written. The author draws his comparisons from Sanscrit, Pali, Hindoostani, Greek, Latin, and English, which is rather perplexing, as he professes to write a popular Grammar. But, then, he does not shrink from the following example of an *ablativus absolutus*: *vulpure vidente* (page 35), which he kindly translates into English: a fox seeing. One shudders at the thought of what our school-masters would have said had they found *vulpes*, *vulpuris* in our copy-books.

Armenia. At the report of the wonders of this construction, Për, or Theotas, King of Georgia, grew jealous. He set out with troops and encamped on the banks of the river Cour, whence he sent word to his brother king to defer the consecration, until he, Theotas, should come in person to preside over the ceremony according to the Georgian rite. This insult was too much for Apas. He at once fell upon Theotas's camp, put the warriors to flight, captured the king, and dragged him in triumph to the coveted cathedral. "Look well at it, he said, as he showed all its marvels to the captive, for you will see it no more;" after which he caused his eyes to be plucked out, and Theotas was glad to regain his freedom by means of a heavy ransom, and return, a blind beggar, into Georgia.

BENEDICT ZIMMERMAN, O.C.D.

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## Correspondence

### VATICAN RECORDS

REV. DEAR SIR,—In its issue of August 27th, the *London Times* makes the following statements in a leading article:—"Mr. Bliss may or may not catalogue the Vatican Records well; some Irishmen—perhaps because, though a Catholic, he is not an Irishman—say that he does not."

With respect to this characteristic suggestion, permit me to state that, in writing the review which appeared in the *I. E. RECORD* for April, and thanks to Mr. Maurice Healy, M.P., gave rise to the satisfactory discussion in the House of Commons, on August 26th, I had no knowledge of either the religion or the nationality of Mr. Bliss.—Yours truly,

B. MACCARTHY.

YOUGHAL, Sept. 10th.



## Documents

### ENCYCLICAL LETTER OF HIS HOLINESS POPE LEO XIII.

SANCTISSIMI DOMINI NOSTRI LEONIS DIVINA PROVIDENTIA PAPAE XIII.  
EPISTOLA ENCYCLICA AD PATRIARCHAS, PRIMATES, ARCHIEPISCOPOS, EPISCOPOS, ALIOSQUE LOCORUM ORDINARIOS PACEM  
ET COMMUNIONEM CUM APOSTOLICA SEDE HARENTES

VENERABILIBUS FRATRIBUS PATRIARCHIS, PRIMATIBUS, ARCHIEPISCOPIS EPISCOPIBVS ALIISQUE LOCORUM ORDINARIIS PACEM  
ET COMMUNIONEM CUM APOSTOLICA SEDE HABENTIBUS

### LEO PP. XIII.

VENERABILES FRATRES SALUTEM ET APOSTOLICAM BENEDICTIONEM

Adiutricem populi christiani potentem et clementissimam, Virginem Dei Matrem, dignum est et magnificentiore in dies celebrare laude et acriore fiducia implorare. Siquidem argumenta fiduciae laudisque augeat ea varia beneficiorum copia, quae per ipsam affluentior quotidie in commune bonum longe lateque diffunditur. Nec beneficentiae tantae profecto a catholicis officia desunt deditissimae voluntatis; quum, si unquam alias, his nimirum vel acerbis religioni temporibus, videre liceat amorem et cultum erga Virginem beatissimam excitatum in omni ordine atque incensum. Cui rei praeclaro sunt testimonio restitutae passim multiplicataeque in eius tutela sodalitates; eius nomini augusto splendidae dedicatae aedes; peregrinationes ad sacratiora eius templa actae frequentia religiosissima; convocati coetus, qui ad eius gloriae incrementa deliberando incumbant; alia id genus, per se optima faustaque in futurum significantia. Atque id singulare est Nobisque ad recordationem periucundum, quemadmodum multiplices inter formas eiusdem pietatis, iam ROSARIUM MARIALE, ille tam excellens orandi ritus, in opinione et consuetudine latius invalescat. Id Nobis, inquam, periucundum est, qui, si partem curarum non minimam promovendo Rosarii instituto tribuimus, probe videmus quam benigna optatis Nostris adfuerit exorata, Regina caelestis: eamque sic Nobis confidimus adfuturam, ut curas quoque aegritudinesque lenire velit quas proximi allaturi sunt dies. Sed praecipue ad regnum Christi amplificandum uberiora Nobis adiumenta ex Rosarii virtute expectamus. Consilia quae studiosius in praesentia urgemus,

de reconciliatione esse dissidentium ab Ecclesia nationum, haud semel ediximus; simul professi, felicitatem eventus, orando obsecrandoque divino Numine, maxime quaeri oportere. Id etiam non multo antehac testati sumus, quum per sollemnia sacrae Pentecostes, peculiare preces in eam causam divino Spiritui adhibendas commendavimus: cui commendationi magna ubique alacritate obtemperatum est. At vero pro gravitate re perarduæ, proque debita omnis virtutis constantia, apte facit hortamentum Apostoli: *Instate orationi*; <sup>1</sup> eo vel magis quod tali instantiæ precandi suavius quoddam incitamentum bona ipsa coeptorum initia admovere videantur. Octobri igitur proximo nihil sane fuerit, Venerabiles Fratres, neque proposito utilius, neque acceptius Nobis, quam si toto mense vos populique vestri. Rosarii prece consuetisque præscriptis, Nobiscum apud Virginem Matrem pietissimi insistatis. Præclaræ quidem sunt causæ cur præsidio eius consilia et vota Nostra summa spe committamus.

Eximiae in nos caritatis Christi mysterium ex eo quoque luculenter proditur, quod moriens Matrem ille suam Ioanni discipulo matrem voluit relictam, testamento memori: *Ecce filius tuus*. In Ioanne autem, quod perpetuo sensit Ecclesia, designavit Christus personam humani generis, eorum in primis qui sibi ex fide adhaerescerent: in qua sententia sanctus Anselmus cantuariensis: *Quid, inquit, potest dignius aestimari, quam ut tu, Virgo, sis mater quorum Christus dignatur esse pater et frater?* <sup>2</sup> Huius igitur singularis muneris et laboriosi partes ea suscepit obiitque magnanima, consecratis in Cenaculo auspiciis. Christianæ gentis primitias iam tum sanctimonia exempli, auctoritate consilii, solatii suavitatis, efficacitate sanctarum precum admirabiliter fovit; verissime quidem mater Ecclesiae atque magistra et regina Apostolorum, quibus largita etiam est de divinis oraculis quæ *conservabat in corde suo*. Ad hæc vero dici vix potest quantum amplitudinis virtutisque tunc accesserit, quum ad fastigium caelestis gloriæ, quod dignitatem eius claritatemque meritorum decebat, est apud Filium assumpta. Nam inde, divino consilio, sic illa coepit advigilare Ecclesiae, sic nobis adesse et favere mater, ut quæ sacramenti humanæ redemptionis patranda ministra fuerat, eadem gratiæ ex illo in omne tempus derivandæ esset pariter ministra, permissa ei paene immensa

<sup>1</sup> Col. iv. 2.

<sup>2</sup> Or. xlvii., olim xlv.

potestate. Hinc recte admodum ad Mariam, velut nativo quodam impulsu adductae, animae christianae feruntur; cum ipsa fidenter consilia et opera, angores et gaudia communicant; curaeque ac bonitati eius se suaque omnia filiorum more commendant. Hinc rectissime delata ei in omni gente omnique ritu ampla praeconia, suffragio crescentia saeculorum: inter multa, ipsam *dominam nostram, mediatricem nostram*,<sup>1</sup> ipsam *reparatricem totius orbis*,<sup>2</sup> ipsam *donorum Dei esse conciliatricem*.<sup>3</sup> Et quoniam munerum divinorum, quibus homo supra naturae ordinem perficitur ad aeterna, fundamentum et caput est fides, ad hanc ideo assequendam salutariterque excolendam iure extollitur arcana quaedam eius actio, quae *Auctorem* edidit *fidei*, quaeque ob fidem *beata est salutata*: *Nemo est, o sanctissima, qui Dei cognitione repleatur, nisi per te; nemo est qui salvetur, nisi per te, o Deipara; nemo, qui donum ex misericordia consequatur, nisi per te*.<sup>4</sup> Neque is nimius certe videbitur qui affirmet, eius maxime ductu auxilioque factum ut sapientia et instituta evangelica, per asperitates offensionesque immanes, progressionem tam celeri ad universitatem nationum pervaserint, novo ubique iustitiae et pacis ordine inducto. Quod quidem sancti Cyrilli alexandrini animum et orationem permovit ita virginem alloquentis:—*Per te Apostoli salutem gentibus praelicarunt . . . per te Crux pretiosa celebratur toto orbe et adoratur . . .; per te fugantur daemones, et homo ipse ad caelum revocatur; per te omnis creatura idolorum errore detenta, conversa est ad agnitionem veritatis; per te fideles homines ad sanctum baptismum pervenerunt, atque ecclesiae sunt ubivis gentium fundatae*.<sup>5</sup> Quin etiam sceptrum orthodoxae fidei, prout idem collaudavit doctor,<sup>6</sup> praestitit illa valuitque: quae fuit eius non intermissa cura ut fides catholica perstaret firma in populis atque integra et fecunda vigeret. Complura in hoc sunt satisque cognita monumenta rerum, miris praeterea modis nonnunquam declarata. Quibus maxime temporibus locisque dolendum fuit, fidem vel socordia elanguisse vel peste nefaris errorum esse tentatam, magnae Virginis succurrentis benignitas apparuit praesens. Ipsaque movente, roborante, viri extiterunt sanctitate clari et apostolico spiritu, qui conata retunderent

<sup>1</sup> S. Bernardus *serm.* ii. in *adv. Domini* n. 5.

<sup>2</sup> S. Tharadius, *or. in praesent. Deip.*

<sup>3</sup> In *offic. graec.*, viii. *dec.*, Θεοτοκίον post oden ix.

<sup>4</sup> S. Germanus constantinop. *or.* II in *dormit. B.M.V.*

<sup>5</sup> *Hom. contra Nestorium.*

<sup>6</sup> *Ib.*

improborum, qui animos ad christianae vitae pietatem reducerent et inflammarent. Unus multorum instar Dominicus est Gusmanus, qui utraque in re elaboravit, marialis Rosarii confisus ope felicitier. Neque dubium cuiquam erit, quantum redundet in eandem Dei Genitricem de promeritis venerabilium Ecclesiae Fratrum et Doctorum, qui veritati catholicae tuendae vel illustrandae operam tam egregiam dederunt. Ab ea namque, *sapientiae divinae Sede*, grato ipsi fatentur animo copiam consilii optimi sibi defluxisse scribentibus; ab ipsa propterea, non a se, nequitiam errorum esse devictam. Denique et Principes et Pontifices romani, custodes defensoresque fidei, alii sacris gerendis bellis, alii sollemnibus decretis ferendis, divinae Matris imploravere nomen, nunquam non praepotens ac propitium senserunt.

Quapropter non vere minus quam splendide Ecclesia et Patres gratulantur Mariae: *Ave, os perpetuo eloquens Apostolorum, Fidei stabile firmamentum, propugnaculum Ecclesiae immotum*:<sup>1</sup> *Ave, per quam inter unius, sanctae, catholicae atque apostolicae Ecclesiae cives descripti sumus*; <sup>2</sup> *Ave, fons divinitus scaturiens, e quo divinae sapientiae fluvii, purissimis ac limpilissimis orthodoziae undis defluentis, errorum agmen dispellunt*; <sup>3</sup> *Gaude, quia cunctas haereses sola interemisti in universo mundo*.<sup>4</sup>

Ista quae Virginis excelsae fuit atque est pars magna in cursu, in proeliis, in triumphis fidei catholicae, divinum de illa consilium facit illustrius, magnamque in spem bonos debet omnes erigere, ad ea quae nunc sunt in communibus votis. Maria fidendum, Mariae supplicandum! Ut enim christianas inter nativa una fidei professio concordēs habeat mentes, una perfectus caritatis necessitudo copulet voluntates, hoc novum exoptatunque Religionis decus, sane quam illa poterit virtute sua ad exitum maturare.

Ecquid autem non velit efficere, ut gentes, quarum maximam coniunctionem Unigena suus impensissime a Patre flagitavit, quasque per unum ipse baptismus ad eandem *hereditatem salutis*, pretio immenso partam vocavit, eo omnes in *admirabili eius lumine* contendant unanimes? Ecquid non impendere ipsa velit bonitatis providentiaeque, tum ut Ecclesiae, Sponsae Christi, diuturnos de hac re labores soletur, tum ut unitatis bonum perficiat in christiana familia, quae suae *maternitatis* insignis est fructus?

<sup>1</sup> *Ex hymno Graecor. Ἀκάριστος.*

<sup>2</sup> S. Ioannes Damasc. or. in Annuntiatione Dei Genetricis, n. 9.

<sup>3</sup> S. Germanus constantior. in Deiparae Praesentatione, n. 14.

<sup>4</sup> In off. B. M. V.

Auspiciumque rei non longius eventurae ea videtur confirmari opinione et fiducia quae in animis piorum calescit, Mariam nimirum felix vinculum fore, cuius firma lenique vi, eorum omnium, quotquot ubique sunt, qui diligunt Christum, unus fratrum populus fiat, Vicario eius in terris, Pontifici romano, tamquam communi Patri obsequentium. Quo loco sponte revolat mens per Ecclesiae fastos ad priscae unitatis nobilissima exempla, atque in memoria Concilii magni ephesini libentior subsistit. Summa quippe consensus fidei et par sacrorum communio quae Orientem atque Occidentem per id tempus tenebat, ibi enimvero singulari quadam et stabilitate valuisse et enituisse gloria visa est; quum Patribus dogma legitime sancientibus, *sanctam Virginem esse Deiparam*, eius facti nuncium a religiosissima civitate exultante manans, una eademque celeberrima laetitia totum christianum orbem complevit. Quot igitur causis fiducia expetitarum rerum in potente ac perbenigna Virgine sustentatur et crescit, tot veluti stimulis acui oportet studium quod catholicis suademus in ea exoranda. Illi porro apud se reputent quam honestum hoc sit sibi quae ipsis fructuosum quam eidem Virgini acceptum gratumque certe futurum. Nam, compotes ut sunt unitatis fidei, ita declarant et huius vim beneficii se magni pro merito facere, et idem se velle sanctius custodire. Nec vero queunt praestantiore ullo modo fraternum erga dissidentes probare animum, quam si eis ad bonum recuperandum unum omnium maximum enixe subveniant. Quae vere christiana fraternitatis affectio, in omni vicens Ecclesiae memoria, praecipuam virtutem consuevit petere ex Deipara, tamquam faultrice optima pacis et unitatis. Eam sanctus Germanus constantinopolitanus his vocibus orabat: *Christianorum memento qui servi tui sunt: omnium preces commendanda, spes omnium adiuvanda; tu fidem solida, tu ecclesias in unum coniunge.*<sup>1</sup> Sic adhuc est Graecorum ad eam obtestatio: *O purissima, cui datum accedere ad Filium tuum nullo metu repulsae tu cum exora, o sanctissima, ut mundo pacem impertiat et eandem ecclesiis omnibus mentem adspiret; atque omnes magnificabimus te.*<sup>2</sup> Huc propria quaedam accedit causa quamobrem nobis, dissentientium nationum gratia comprecantibus, annuat Mater indulgentius; egregia scilicet quae in ipsam fuerunt earum merita, in primisque orientalium.

Hisce multum sane debetur de veneratione eius propagata et aucta; in his commemorabiles dignitatis eius assertores et

<sup>1</sup> *Or. hist. in dormit. Deiparae.*

<sup>2</sup> *Men v maii Θεοτοκίου post ord. ix de S. Irene V.M.*

vindices potestate scriptisve gravissimi ; laudatores ardore et suavitate eloquii insignes ; *dilectissimae Deo imperatrices*,<sup>1</sup> integerrimam Virginem imitatae exemplo, munificentia prosecutae ; aedes ac basilicas regali cultu excitatae :—Adiicere unum libet quod non abest a re, et est Deiparae sanctae gloriosum. Ignorat nemo, augustas eius imagines ex oriente, variis temporum casibus, in occidentem maximeque in Italiam et in hanc Urbem, complures fuisse advectas ; quas et summa cum religione exceperunt patres magnificeque coluerunt, et aemula nepotes pietate habere student sacerrimas. Hoc in facto gestit animus nutum quemdam et gratiam agnoscere studiosissimae matris. Significari enim videtur, imagines eas perinde extare apud nostros, quasi testes temporum quibus christiana familia omnino una ubique cohaerebat, et quasi communis hereditatis bene cara pignora : earumdem propterea adspectu, velut ipsa Virgine submovente, ad hoc etiam invitari animos, ut illorum pie meminerint quos Ecclesia catholica ad pristinum in complexu suo concordiam laetitiamque amantissime revocat.

Itaque permagnum unitatis christianae praesidium divinitus oblatum est in Maria. Quod quidem, etsi non uno precationis modo demereri licet, attamen instituto Rosarii optime id fieri uberrimeque arbitramur. Monuimus alias, non ultimum in ipso emolumentum inesse ut prompta ratione et facili habeat christianus homo quo fidem suam alat et ab ignorantia tutetur errorisve periculo : id quod vel ipsae Rosarii origines faciunt apertum. Iamvero huiusmodi quae exercetur fides, sive precibus voce iterandis, sive potissimum contemplandis mente mysteriis, palam est quam prope ad Mariam referatur. Nam quoties ante illam supplices coronam sacram rite versamus, sic nostrae salutis admirabile opus commemorando repetimus, ut, quasi praesenti re, ea explicata contueamur, quorum serie et effectu extitit illa simul Mater Dei, simul mater nostra. Utriusque magnitudo dignitatis, utriusque ministerii fructus vivo in lumine apparent, si quis Mariam religiose considerare mysteria gaudii, doloris, gloriae cum Filio sociantem. Inde profecto consequitur ut grati adversus illam amoris sensu animus exardescat, atque caduca omnia infra se habens, forti conetur proposito dignum se matre tanta beneficiisque ejus probarè. Hac autem ipsa mysteriorum crebra fidelique recordatione quum ea non possit non iucundissime affici, et misericordia

<sup>1</sup> S. Cyrill. alex. *de fide ad Pulcheriam et sorores reginas.*

in homines, longe omnium matrum optima, non commoveri, idcirco diximus Rosarii precem peropportunam fore ut fratrum causam dissidentium apud ipsam oremus. Ad spiritualis maternitatis eius officium proprie id attinet. Nam qui Christi sunt, eos Maria non peperit nec parere poterat, nisi in una fide unoque amore: numquid enim *divisus est Christus*?<sup>1</sup> debemusque una omnes vitam Christi vivere, ut in uno eodemque corpore *fructificemus Deo*.<sup>2</sup> Quotquot igitur ab ista unitate calamitas rerum funesta abduxit, illos oportet ut eadem mater, quae perpetua sanctae prolis fecunditate a Deo aucta est, rursus Christo quodammodo pariat. Hoc plane est quod ipsa praestare vehementer optat; sertisque donata a nobis acceptissimae precis, auxilia *vivificantis Spiritus* abunde illis impetrabit. Qui utinam miserentis matris voluntati obsecundare ne renuant, suaeque consulentes saluti, boni audiant blandissime invitantem: *Filioli mei, quos iterum parturio, donec formetur Christus in vobis*.<sup>3</sup> Tali marialis Rosarii virtute perspecta, nonnulli fuere decessores Nostri qui singulares quasdam curas eo converterunt ut per orientales nationes dilataretur. In primis Eugenius IV., constitutione "*Advesperascente*," anno data mccccxxxix., tum Innocentius XII. et Clemens XI.; quorum auctoritate item privilegia ampla Ordini Praedicatorum, eius rei gratia, sunt attributa. Neque fructus desiderati sunt, Sodalium eiusdem Ordinis contendente sollertia; iique extant multiplici et clara memoria testati; quamquam rei progressibus diuturnitas et adversitas temporum non parum deinde offecit. Hac vero aetate idem Rosarii colendi ardor quem initio excitatum laudavimus, similiter per eas regiones animis multorum incessit.

Quod sane Nostris quantum respondet inceptis, tantum votis explendis perutile futurum speramus. Coniungitur cum hae spe laetabile quoddam factum aequae Orientem attingens atque Occidentem, eisdemque plane congruens votis. Illud spectamus propositum Venerabiles Fratres, quod in pernobili Conventu eucharistico, Hierosolymis acto, initium duxit, templi videlicet exaedificandi in honorem Reginae sacratissimi Rosarii; idque Patrae in Achaia, non procul a locis, ubi olim nomen christianum, ea auspice, eluxit. Ut enim a Consilio quod rei provehendae curandoque operi, probantibus Nobis, constitutum est, perlibentes accepimus, iam plerique vestrum rogati, collaticiam stipem omni diligentia in id submiserunt; etiam polliciti, se deinceps non dissimiliter adfore usque ad operis perfectionem. Ex quo satis iam est consultum,

<sup>1</sup> 1 Cor. i. 13.<sup>2</sup> Rom. vii. 4.<sup>3</sup> Gal. iv. 19.

ut ad molitionem quae amplitudini rei conveniat, aggredi liceat; factaque est a Nobis potestas ut propediem auspicalis templi lapis sollemnibus caeremoniis ponatur. Stabit templum nomine christiani populi, monumentum perennis gratiae Adiutrici et Matri caeleste; quae ibi et latino et graeco ritu assidue invocabitur ut vetera beneficia novis usque velit praesentior cumulare.

Iam, Venerabiles Fratres, illuc unde egressa est Nostra redit hortatio. Eia, pastores gregesque omnes ad praesidium magnae Virginis, proximo praesertim mense, fiducia plena, confugiant. Eam publice et privatim, laude, prece, votis compellare concordēs ne desinant et obsecrare Matrem Dei et nostram; *Monstra te esse Matrem!* Maternae sit clementiae eius, familiam suam universam servare ab omni periculo incolumem, ad veri nominis prosperitatem adducere, praecipue in sancta unitate fundare. Ipsa catholicos cuiusvis gentis benigna respiciat; et vinculis inter se caritatis obstrictos alacriores faciat et constantiores ad sustinendum religionis decus, quo simul bona maxima continentur civitatis. Respiciat vero benignissima dissidentes, nationes magnas atque illustres, animos nobiles officiique christiani memores: saluberrima in illis desideria conciliet, et conciliata foveat eventumque perficiat. Eis qui dissident ex oriente, illa etiam valeat tam effusa quam profitentur erga ipsam religio, tamque multa in eius gloriam et praeclara facta maiorum. Eis qui dissident ex occidente, valeat beneficentissimi patrocinii memoria quo ipsa pietatem in se omnium ordinum, per aetates multas eximiam, et probavit et muneravit. Utrisque et ceteris, ubicumque sunt valeat vox una supplex catholicarum gentium, et vox valeat Nostra, ad extremum spiritum clamans *Monstra te esse Matrem!*

Interea divinatorum munerum auspicem benevolentiaeque Nostrae testem, singulis vobis cleroque ac populo vestro Apostolicam benedictionem peramanter impertimus.

Datum Romae apud Sanctum Petrum die V. Septembris, anno MDCCCXCV. Pontificatus Nostri decimo octavo.

LEO P.P. XIII.



## THE BLESSED THADDAEUS MACCARTHY

DECRETUM EPOREDIEN. CONFIRMATIONIS CULTUS AB IMMORABILI  
TEMPORE PRAESTITI SERVO DEI THADDAEO MACHAR EPISCOPO  
CORCAGIENSI BEATO NUNCUPATO.

Ex nobilissima progenie medio circiter saeculo decimo quinto in Hibernia ortus est Thaddaeus Machar, qui puerilem ac provec-tiorem aetatem litterarum pietatisque studio excoluit, multasque ab invidis hominibus persecutiones forti animo tulit; donec ab Innocentio VIII., ad regimen et administrationem vacantium dioecesium invicem unitarum Corcangiensis et Clovensis anno millesimo quadringentesimo nonagesimo evectus fuit. Ab inimicis libertatis Ecclesiae, rapinam bonorum passus, prohibitus quoque fuit quominus ad suum gregem pervigil Pastor accederet. Quare Romam petiit, atque ad Pontificem Christi Vicarium, Petrique successorem, uti ad Supremum universi christiani gregis Custodem ac Vindicem, causam Ecclesiae suae detulit. Romanus Pontifex virum dignitate, doctrina ac virtute eximium, benignissime excepit, eique pro suo iure petenti Litteras dedit, quibus adversus iniquos bonorum possessores iniuriam repelleret et se suamque Ecclesiam vindicaret. Exulis ac peregrini forma assumpta, Christi pro nobis passi vestigia sequens, dum Roma profectus ad patriam remearet, Eporediae, quae olim Patritium Hibernorum Apostolum transeuntem viderat, constitit; ibique, ut pauper, humilis cunctisque ignotus, in publicum peregrinorum Hospitium receptus est. Verum longo itinere fessus gravique morbo correptus ante auroram diei 24 Octobris anno 1492 pientissime animam Deo reddidit atque extemplo, uti ferunt, mira lux lectum in quo eius exuviae iacebant circumfudit. Quare Episcopus Eporediensis Nicolaus Garigliatti, ad peregrinorum hospitium pergens Thad-daeum, vultu signis aliisque documentis in eius sarcinula repertis, statim recognovit. Insimul, coacto clero, sacras exuvias ea qua decebat veste ornatas solemnī pompa ad Cathedralē Ecclesiam extulit, ibique, religioso funere rite absoluto, in ipsa urna quae sub altaris principis mensa extabat, quaeque S. Eusebii reliquias custodiebat, addito titulo inscripto "*Beati Thaddaei Episcopi*" sacrum corpus condidit, universo populo Beatum ipsum accla-mante. Hisce auspicatissimis publici et ecclesiastici cultus initiis mox accessit fama sanctitatis vitae, virtutum miraculorumque magis magisque in dies clara, quae ab obitu Servi Dei ad haec usque tempora perdurans firmissimum rober ac incrementum

eidem cultui addidit. Quum tamen hic cultus Servo Dei Thaddaeo Machar ab eius obitu indesinenter exhibitus, nondum ad Apostolica Sede recognitus atque adprobatus fuisset, Rñus hodiernus Episcopus Eporediensis Processum hac de re instituit, ac favorabilem sententiam protulit. Quapropter Rñus D. Michaël Antonini huius Causae Postulator, nomine etiam Rñorum Antistitum Eporediensis et Corcagiensis necnon Rñi Capituli ac Cleri utriusque dioeceseos, eiusdem sententiae confirmationem a Sancta Sede humillime expetivit. Hinc ab Eñno et Rño Domino Cardinali Vincentio Vannutelli Causae Ponente, in Ordinariis Sacrae Rituum Congregationis Comitiis subsignata die ad Vaticanum habitis, sequens Dubium discutiendum propositum fuit, nimirum: "An sententia praedicti Rñi Episcopi Eporediensis super cultu ab immemorabili tempore praestito Servo Dei Thaddaeo Machar, seu super casu excepto a Decretis f. r. Urbani Papae VIII., sit confirmanda in casu, et ad effectum, de quo agitur?" Atque Eñni et Rñi Patres Sacris tuendis Ritibus praepositi, omnibus accurate perpensis, et audito voce et scripto R. P. D. Augustino Caprara, S. Fidei Promotore, rescribendum censuerunt: *Affirmative, seu sententiam esse confirmandam.* Die 13 Augusti 1895.

Facta postmodum de iis per subscriptum Sacrae Rituum Congregationis Secretarium Sanctissimo Domino Nostro Leoni Papae, XIII. relatione, Sanctitas Sua Rescriptum Sacrae ipsius Congregationis ratum habuit et confirmavit die 26 iisdem mense et anno.

LUCIDUS MA. CARD. PAROCCHI.

L. ✠ S.

ALOISIUS TRIPEPI, S. R. C. Secretarius.

#### LEAVES FROM THE ARCHIVES OF THE "PROPAGANDA" 1693-1699

Riferirà il tenore della fondatione del Collegio Ibernese in Lovanio, dove si vede ch'oltre a qualche assegnamento Pontificio, tutti gl' Alunnati sono stati fondati o da Ibernese o in tempo de' Presidenti del Collegio Ibernese, e questi graduati nell' Università di Lovanio. E perciò restarà da risolversi se debba arsi Decreto ch' in avvenire il Presidente del detto Collegio debba essere graduato, o se debba dopo fermata questa circostanza

accettarsi l'oblatione del Dottore Sullevane di fondare due Borse, o Alunnati nel modo che verrà rappresentato dall' Eminentissimo Ponente.

(Handwriting of Card. Colloredo.)

Ristretto delle materie, che si sono distribuite per la prossima Congregatione generale da tenersi Lunedì 29 Agosto 1695.

Il Cardinale BARBERINI.

*Ibernia.*

Esporrà l'istanza che fanno i Cattolici d'Ibernia per la pro. motione alle Chiese di quel Regno de' soggetti nominati da S. Maestà, con alcune obiettoni tanto circa la sostanza dell'affare, quanto circa le persone d'alcuni de' nominati, con le risposte che si danno per parte de' suddetti Cattolici e de' Ministri del Re.

EMMI. E REVMI. SIGNORI,

La Santità di Nostro Signore dimanda il parere a cotesta Sacra Congregatione intorno alle Chiese d'Ibernia; se lo stato presente delle cose richieda che si faccia soprasedere nel corso ordinario delle proposizioni delle Chiese che si fanno dall' Emo. Sigre. Cardinal Altieri Protettore secondo le Nomine Regie, e si crede che essendo le cose nel medesimo stato che erano nel principio del 1694, che seguirono le ultime due proposizioni si deva rispondere *procedi ad ulteriora* al quesito che è generale.

Quando poi saranno presentate all' Emmo. Sigre. Cardl. Protettore le nomine de' promovendi in particolare per la formazione de' Processi, allora toccherà a Sua Eminenza il sodis farsi delle prove che si esibiranno e delle qualità e virtù de' soggetti nominati, essendo questa materia de' processi di Chiese tutta del Signor Cardinal Protettore, e di Mons. Auditore di Sua Santità: Ne si stima mai che VV. EE. possano volere divertirla dal suo canale naturale. Se si è passato ad esibire a VV. EE. le virtù e qualità più riguardevoli de' soggetti nominati per mezzo de' Testimoniali autentici di Testimonii Ibernese esistenti in Francia e però esaminati avanti il Signor Auditore di Mons. Illmo. Nunzio di Francia, cio è stato per la venerazione dovuta a VV. EE. a fine di troncare la maledicenza di alcune lettere cieche di persona notoriamente appasionata, a motivi delle quali hanno risposto ancora i quattro Vescovi Seniori, che si sono per il medesimo motivo esibite a VV. EE. originalmente sottoscritte dal Primate Arcivescovo Armacano, Arcivescovo Dublino. e

Thuamen. e dal Vescovo Elfinen. accioche si conosca la virtù de' soggetti et il zelo Ecclesiastico con che si procede nelle nomine, di che si vorria tutto il mondo Cattolico per giudice.

Ma hora ogni dilazione della materia daria troppo credito alle lettere chieche se per sbatterle non fossero bastanti tante prove e se si volesse entrare a discutere le nomine in particolare il che è riservato alla cognizione del Signore Cardinal Protettore e di Monsre. Auditore di Nostro Signore, come si supplica. Ch della grazia, &c.

Alla Sacra Congregatione di Propaganda Fide,

per

J. Cattolici Ibernesei,

ex gratia viden.

Aug., 1695.

Congregat. De Propaganda Fide,

5 Octobris, 1694.

Nicolas Pluncket Alumno qui jam studia explevit ob Patruī merita assignetur menstrua portio et promoveatur in aliquo honesto loco arbitrio Revmi. Praefecti.

Ristretto delle Materie che si sono distribuite per la prossima Congregatione Generale de Propaganda Fide per li 21 Marzo 1695. *Ibernia.*

Il Cardl. BARBERINI.

Riferira alcune obiettoni fatte per impedire la promotione del Sig. Micheli Rosseter Vic.-Generale della Diocesi Fernense in Ibernia nominato a quella Chiesa, et insieme le risposte molte adequate che si danno a favore del Medesimo.

Non obstare objecta allata, et ideo procedendum ad ulteriora.

In Congregatione Prop. Fide,

9 Januarii, 1696.

Thomae Layen petenti facultates Missionariorum in Hibernia Remittitur ad Ordinarios Dioecesium.

In Cong. de Prop. Fide,

26 Martii, 1696.

Episcopo C. Hiberno Poscenti gratiam ut in Belgio detu facultas Internuntio . . . andi Procuratorem pro suo Episcopatu

Detur facultas.

(Handwriting of Card. Colloredo.)

Ristretto delle materie distribuite per la prossima Congregatione Generale de Propaganda Fide da tenersi li 20 di Feb. 1696.

Sig. Card. NERLI.

*Anglia, &c.*

Porterà l'istanza de' Procuratori delle Missioni d'Inghilterra, Scotia, et Ibernia affinche (1) si proibisca ai Missionarii di quei Regni l'intrigarsi in affari secolareschi, e politici, e si faccia una publica dichiarazione su questo particolare dei sentimenti della Santa Sede, per disinganno degl'heretici che stimano farsi cio dai medesimi per commissione di questa Corte. (2) Che si dichiari parimente se quei Missionarii etiamdio Giesuiti habbiano facoltà maggiori di quei Vescovi, e quelle in specie di dispensare nel 2° grado di consanguinità, e nel primo di publica honestà, e se havendole possano esercitarle senza saputa e contra la volontà degl' Ordinarii.

Ristretto delle materie, &c., per la Cong. &c. . . che si terrà, 26 Novembre, 1697.

*Ibernia.*

Il Signor Card. IMPERIALI.

Oltre la Ponzia intitolata Arcipelago che doveva portare nella prossima Congregatione leggerà il continuto d'alcune lettere del Sig. Internuntio di Fiandra, che da notizie d'alcuni pregiudizii che soprastano alla Religione Cattolica in Ibernia colle diligenze che egli ha fatto, e fa per impedirgli.

Ristretto delle materie, &c., per la Cong. &c., che si terrà li 9 Decembre 1697.

*Ibernia.*

Il Sig. Cardl. IMPERIALI.

Riferirà le due Ponzie intitolate Arcipelago e Ibernia che doveva referire nella prossima Congregatione.

Die 9 Decembris 1697.

Quoad Hiberniam supplicandum SSmo. ut dignetur per Nuntios Apostolicos commoneri Reges et Principes ad sartam tectamque curandam Catholicam Fidem in Hibernia.

Supplicandum SSmo. ut dignetur mediantibus Nuntiis Apostolicis ac etiam Ministris Principum Catholicorum Romae degentibus excitare zelum propriorum Principum ad insistendum . . .

officiis pro suspensione gravaminum quae Hiberniae Catholicis irrogantur: et Dominus Secretarius cum SSmo. juxta mentem.

Ristretto, &c., per la Cong., &c., che si terrà li 28 Luglio, 1698.

Sig. Cardl. COLLOREDO.

*Ibernia.*

Riferira l'istanza fatta a Nostro Signore dai Canonici Regulari d'Ibernia 1°. per l' approvatione e conferma dell' aggregatione di essi fatta alla Congregazione de' Canonici Lateranensi fatta da quel P. Abbatc Generale. 2°. Perche la Santità Sua conceda loro l'uso delle constitutioni della medesima Congregatione. 3°. Perohe confermi ai medesimi Oratori tutti li dritti o privilegi, che godevano avanti l'apostasia dell' Inghilterra.

Posse si SSmo. placuerit aggregationem confirmari sine prejudicio tamen jurium Ordinarii et quomodolibet competentium; cum usu Constitutionum Lateranensium; et quoad privilegia exhibeantur et postea providebitur.

Ristretto, &c., per la Congreg., &c., che si terrà 27 Septembris, 1700.

*Ibernia.*

Sig. Cardl. CARPEGNA.

(Handwriting of Card. Colloredo.)

Riferirà l'informatione di Mons. Vescovo di Bordeaux sopra l'istanza del P. Rettor del Seminario Ibernese in detta città di poter dare lettere dimissoriali a titolo di Missione per tutti gl' Ordini Sacri, conforme le da agli Alumni di quel Seminario, anco a quei giovani Ibernese che concorrono al medesimo Seminario, e per le tenuità delle rendite del medesimo non vi possano aver luogo, ma vengono mantenuti fuori di esso dalla pietà di quell' Arcivescovo, e Vescovi circonvicini.

In Congregat. De Prop. Fide,

16 Novembris 1699.

Il Sig. Cardl. Noris leggerà l'informazione di Mons. Nunzio in Vienna dello stato del Monastero de' Benedittini Scozzesi in Ratisbona che fu rappresentato trovarsi in molte angustie massime per la molteplicità de' Regulari Religiosi che colà si rifugiano nella presente persecutione d'Inghilterra.

Die 2 Augusti 1695.

In Congregat. De Propaganda Fide,

**Dominicanus Hibernus Lovanis degens cum obligatione ad-  
eundi Hiberniam ad missiones, petit dilationem.**

**Vadat ad suas missiones perurgentes.**

(Handwriting of Card. Colloredo.)

Ristretto delle materie, &c., per la Cong. &c., che si terrà li 9 di  
Maggio 1701.

*Ibernia.*

Sig. Cardl. FRANCESCO BARBERINI.

Riferirà l'istanza di Mons. Cassellense in Ibernia per qualche sussidio, e per la facoltà di poter dispensare in 2° gradu affinitatis ne matrimonii già contratti, e da contrarsi tra quei nobili, et in caso di necessità ad effetto di ovviare a molti inconvenienti, e scandali che succedono per mancanza di tale facoltà con pericolo della Religione Cattolica.

Ristretto, &c., per la prossima Cong. Glé de Prop. Fide che si terrà li 13 di Marzo 1702.

*Ibernia.*

Il Sig. Cardl. FRANCESCO BARBERINI.

Porterà le doglianze, che fa Mons. Arcivescovo Cassellense in Ibernia del Vescovo Watfordiense suo suffraganeo, da cui dice venire fomentati diversi Ecclesiastici contra l'Oratore, et in particolare un tal Moriarti Vicario Generale della Diocesi Ardfertense. La quale essendo canonicamente unita alla Diocesi Acadeonense, ma non espressa nel Breve della deputazione di Vicario Apostolico della medesima fatta dalla Santa Sede in persona del Sacerdote Enea O'Leijne, il predetto Arcivescovo supplica, che sia rimosso il predetto Moriarti dall' officio, che ~~esercita~~ nella Diocesi Ardfertense, e si commetta il governo di essa al predetto O'Leine, a cui in virtù dell' unione sopracennata crede che appartenga.

Sac. Cong. De Propaganda Fide, 13 Martii 1702.

Foglio delle materie, &c., per la prossima Cong. Gle. &c., chesi terrà li 9 di Maggio 1702.

*Ibernia.*

Sig. Cardl. FRANCESCO BARBERINI.

Leggerà la Ponenza intitolata Ibernica, che doveva portare nella prossima Congregatione.

Scribatur Nuntio Galliarum ut adhortetur Waterfordien Episcopum ad reditum in Hiberniam, et ad mentem in reliquis. Et Domino Internuntio circa expostulationem Episcopi Cassellen.

EMMI. E REVMI. SIGNORI,

L'arcivescovo Cassellen, in Ibernica espone humilmente alle Eminenze loro, come gli hanno mandato un sussidio di scudi cento Romani per via dell 'Internuntio in Fiandra un' anno fa ma l' oratore fin hora non ha hauto un quattrino; però supplica l'Eminenze loro di un sussidio da potersi mantenere, mentre egli è persequitato fieramente dagl'Eretici, di modo che non puol comparire, ne tam poco haver aiuto da altri, se non dalle Eminenze loro.

Rogat etiam Eminentias vestras de facultatibus etiam extraordinariis in partes haereticorum mitti solitis; et praesertim dispensandi matrimonii in secundo gradu consanguinitatis maxime indiget: Vix enim dici potest quot et quanta ejusmodi facultatum defectu patitur incommoda. Quam Deus, &c.

All'Emmi. e Revmi. Signori.

Li Signori Cardinali della Sacra Congne. de Propaganda Fide,  
per

L'Arcivescovo Cassellen. in Ibernica.

4 Septembris 1702.

Quoad primum. Pro executione Ordinis jam emanati, quod si non adsit amplius pecunia, certiaret, Internuntius. Quoad 2<sup>a</sup> D. Secretarius ad Assessorem S. Officii.

(Handwriting of Card. Colloredo.)

Ristretto delle materie, &c., per la prossima Cong. Gle. de Prop. Fide che si terrà li 24 Settembre 1703.

*Ibernica.*

Il Sig. Cardl. RUBINI.

Leggerà l'istanza di Mons. Arcivescovo Tuamense in Ibernica per alcune facoltà particolari espresse nel foglio, che si manda *per manus*.

*Omnia ad S. Officium.*



## EEMI. ET REVMI. DOMINI

Jacobus Archiepiscopus Tuamensis Hibernus humilis orator exponit frequentissimam indigentiam provisionis Apostolicae in infrascriptis casibus, et hac praesenti tempestate opportunum recursum ex praefato Regno ad Apostolicam Sedem esse non modo perdifficilem sed ut plurimum impossibilem.

Quare ea qua par est humilitate supplicat Orator EE. VV. ut pro sua innata pietate velint eos intueri et opportunum remedium pro praesente calamitate providere indulgendo Oratori facultatem in illis dispensandis cum moderamine et cautelis praescribendis eamque delegandi ut infra, si ita visum fuerit SS. D. N. et EE. VV.

1. Supplicatur pro facultate in 2<sup>o</sup> et 3<sup>o</sup>. In tertio et 3<sup>o</sup> gradibus consanguinitatis et affinitatis.

2. Dispensandi cum junioribus ad ordines aspirantibus postquam in bello militaverint.

3. Dispensandi cum eisdem junioribus, qui praesentes suppliciis damnatorum ex mera naturali compassione poenam celerem et expeditionem lictoribus commendarunt.

(Handwriting of Card. Colloredo).

4. Non solum absolvendi ab omni simonia etiam reali manifesta (de qua facultate in folio ordinario impresso sub No. 10) sed etiam dispensandi ab omnibus censuris propterea a Jure inflictis, et in talium simoniacorum administrantium irregularitatibus.

5. Dispensandi in suspensorum administrantium irregularitatibus ex neglecta seu contempta suspensione.

6. Dispensandi cum contrahendis matrimoniis inter virum Catholicum et foeminam haereticam, et e converso quando rationabiliter apparebit Ordinariis conversionis unius et non erit timenda perversio alterius. Cujusmodi Matrimonia sunt frequentia in Germania et Anglia.

7. Communicandi has facultates (uti et alias in antedicto folio impresso concessas, quasque hac occasione innovari supplicat Orator) uni Theologo vel Juristae in singulis Decanatibus, prout Ordinario expedire videbitur. Et hoc non solum infra fines Dioecesis Tuamensis, verum etiam et intra fines reliquorum Dioecesium in praefato Tuamensi Provincia vacantium, utpote quibus orator velut Metropolitanus ea qua potest diligentia per se et suos vicarios assistit.

Pro quibus omnibus gratiis et facultatibus Orator et Populi

sibi commissi non desistent Deo instanter recommendari longam vitam SS.<sup>mi</sup> Dñi Nostri, et EE. Vestrarum.

Per manus Emorum et Revñorum DD. Cardinalium Carpinsi, Spadae, Colloredo, Rubini et Sacripantis.

pro

Congregatione Gñle De Propaganda Fide.

24 Septembris 1703

Ad S. Officium

(Handwriting of Card. Colloredo.)

Ristretto, &c., per la prossima Cong. Gle. de Prop. Fide, che si terrà feria 3<sup>a</sup> li 13 di Novembre 1703.

*Ibernia.*

Il Sig. Cardl. IMPERIALI.

*Abfuit.*

Porterà l'istanza di Mons. Arcivescovo Cassellense in *Ibernia*.

1. Perché venga unita come era prima la Diocesi Ardfertense al vicariato Apostolico Acadeonense amministrato presentemente dal Sacerdote D. Enea O'Leyne.

2. Per la facoltà di dispensare nel 2° grado di consanguinità et affinità.

3. Per qualche sussidio stante le sue gravi angustie, e la persecuzione che soffre da quel Magistrato Eretico, che lo vorrebbe nelle mani.

Ristretto, &c., per la prossima Cong. Gle. de Prop., &c., che si terrà li 24 Novembre 1704.

*Ibernia.*

Sig. Cardl. COLLOREDO:

Porterà l'istanza del Clero, e popolo delle Diocesi Acadeonense, et Ardfertense in *Ibernia*, perché si proibisca ad un tal Moriarti preteso Vicario Apostolico Ardfertense d'ingerirsi nell'amministrazione delle suddette diocesi, e per la conferma, et quatenus opus sit nuova deputazione del Sacerdote Enea O'Leyne per Vicario Apostolico delle medesime diocesi, mentre nel Breve della sua deputazione non fu espressa la diocesi Ardfertense, per altro canonicamente unita all' Acadeonense.

*Scribatur Nuntio Apostolico pro informatione.*

(Handwriting of Card. Colloredo.)

Ristretto, &c., per la prossima Cong. Gle. di Prop. Fide che si terrà li 20 Dicembre, 1706.

*Ibernia.*

Il Sig. Cardl. IMPERIALI.

Esporrà le doglianze che fanno il Vicario Apostolico e i Parochi della Diocesi Acadeonense in Ibernìa di' un tal Donato Moriarti Vicario Generale della Diocesi d'Ardfert contigua e per quanto sia siede unita all' Acadeonense per il turbare che fa la giurisdizione del detto Vicario Apostolico con procurare ancora d'essere promosso ad ambe le dette Chiese.

Onde dagl' oratori si supplica che s'impedisca praedetta promotione e si proibisca al suddetto Moriarti di più molestare il detto Vicario Apostolico che fa anco istanza d'esser dichiarato Vicario della suddelta diocesi Ardefortense come unita canonicamente all' Acadeonense.

*Pro informatione recur. Nuntio Coloniensi.*

(Handwriting of Card. Colloredo.)

Estratto delle Materie, &c., per la Congret. di Prop. Fide Preparatoria coram Bmo., che si terrà lunedì prossimo 8 Marzo 1694.

*Scozia.*

Il Sig. Card. COLLOREDO.

È gran tempo, che li Missionarii di Scotia hanno rappresentato alla Congregatione lo stato deplorabile della Religione Cattolica in quelle parti dopo l'ingresso fattovi dalla gente dell' Oranges.

Le Case sono state saccheggiate, le Chiese distrutte; spezzate gl' altari; rubbati li vasi, et ornamenti Sacri, e con una processione di ludibrio, e di dispregio, con solenne pubblicità abbruciate.

Hanno carcerati li sacerdoti, e quasi fattili morire di fame, et in fine non perdonando ne ad età, ne a sesso, anco sotto la parola hanno esercitate le più fiere barbarie.

Non dimeno più che mai pronti a patire per la religione Cattolica fanno istanza.

1. Di havere almeno un Vescovo, havendo la sperienza dimostrata, che questo sia l'unico mezzo, perche non si estingua affatto la fede.

2. Di Sussidio per le loro miserie essendo esiliati, e privi di ogni humano aiuto.

3. Di Paramenti Sacri, Calici, Messali, Rituali, et altre cose necessarie per la Missione spogliata di ogni cosa.

Questa materia fu postata alli 4 di Maggio dell' anno passato in una congregatione pur preparatoria coram Rmo. e fu rescritto ad Congregationem Particularem; e non essendosi mai tenuta richieda hora un pronto provvedimento.

Deputandum Vicarium Apostolicum cum titulo in *partibus*, e assignata provisione.

Item suppellectilem sacrum et alia.

(Handwriting of Card. Colloredo.)

EWMI. E REVMI. SIGNORI,

Havendo la Santità di Nostro Signore approvata la risoluzione dell' EE. VV. di dare un Vescovo alla Scozia col titolo di Vicario Apostolico si supplica di proporre Tommaso Nicolson Sacerdote Scozzese per tal ministero, havendosi notizia delle di Lui, qualità, dottrina, e costumi Ecclesiastici, onde si supplica farne la propositione, e dar gli ordini opportuni per l'effettuazione della gratia, &c.

Alla Sacra Congregazione di Propaganda Fide  
per

TOMMASO NICOLSON, Sacerdote Scozzese.

*Dilata.*

27 Julii A.D. 1694.

(Handwriting of Card. Colloredo.)

BEATISSIMO PADRE,

Il Procuratore della Missione di Scozia humilissimo oratore di Vostra Santità rappresenta riverentemente come dopo d'havere per lo spazio di molti anni supplicato con reiterate istanze che si desse un vescovo alla sua natione come instrumento necessario et unico a propagare e mantenere la Religione Cattolica in quelle parti, ottenne finalmente da Dio benedetto la gratia che fosse attentamente esaminata questa materia nella Congregazione Generale preparatoria tenuta alli otto di Marzo prossimo passato, dove fu fatto conoscere che col mezzo di Missionarii dal numero di cinquanta cinque Cattolici erano ridotti a piu di *ventimila*, e che sarebbero stati di gran lunga piu numerosi li progressi, se la Scozia havesse havuti li vescovi come l'Ibernia, e ne uscì Decreto di dare al regno di Scozia un Vicario Apostolico col titolo in *Partibus*, il qual Decreto fu confermato nella Congregazione tenuta li 16 Marzo suddetto alla presenza di vostra Santità, ne resto altra diligenza da farsi per compimento di si santa risoluzione che di esplorare l'intentione della Maestà del Re della Gran Bretagna, se havesse intorno a cio alcuna cosa in contrario; e di proporre soggetto capace per tal Ministerio. Venute le risposte d'una somma sodisfattione della Maesta Sua, et havutasi notizia

che il Sacerdote D. Tomaso Nicolson antico missionario soggetto di provata integrità, e zelo havrebbe ben adempiute le parti di Pastore, se ne portò l'istanza nella Congregatione generale tenuta li 27 Luglio prossime caduto per poter supplicare la Santità Vostra della spedizione del Breve necessario, e la Congregatione fece *Dilata* con sommo rammarico del Procuratore della Missione, e della Nazione stessa che ~~si~~ era infinitamente consolata colla speranza d'havere una volta a godere il suo Pastore, e capo spirituale. Onde non essendo da Marzo in qua, Beatissimo Padre, mutate le circostanze de'tempi che se allora si giudicò di dare Vescovo alla Scozia non possa hora effettuarsi. Ricorre a suoi SSmi. Piedi supplicandola di ordinare ch' alla presenza Sua si esamini di nuovo questa materia, e si venga alla spedizione tanto sospirata dalla povera Scozia per la Propagatione e stabilimento della Fede Cattolica, maggior gloria del Signor Iddio. Che il tutto, &c.

Alla Santità di Nostro Signore

Innocenzio duodecimo.

per la Missione di Scozia.

Die 17 Augusti 1694.

In Congregatione particolari coram SSmo. pro rebus Hollandiae lectum fuit praesens memoriale, et multis hinc inde declarantibus tandem SSmus. dixit rem esse dicisam, et habendam aliquam informationem ab Episcopo de Gelis Anglo.

Cardinales praes. Alterius, Barberinus, Carpineus, Nerlius, Casanate, Sapada, Colloredo, Albanus. Expeditum tandem fuit Breve et designatur Episcopus et Vicarius Apostolicus in Scotia die 6 Septembris 1694, ac per R. P. D. Cap. . . . Parisios submissum ad Regem Jacobum.

(Handwriting of Card. Colloredo.)

BEATISSIMO PADRE,

Tomaso Nicolson Vescovo Peristachien. e Vicario Apostolico del Regno di Scozia supplica humilmente la Santità Vostra di benignamente concedergli le facoltà et autorità sequenti, che stima necessarie per il buon governo di quel Regno, e di quella Missione, cioè.

1. Di mandare alli Collegii della Nazione Scozzese in Douay, Madrid, Parigi e Roma gli alunni che in essi possono essere mantenuti e che non si ricevano altri da quelli, che da lui saranno approvati in scriptis, e che a questi non si possa negare il luogo

vacante quando esibiscono la sua approvazione e testimonianza. e di potere deputare esaminatori dell' idoneità dei giovani da riceversi in detti Collegii, quando si presentano d'essere Alunni; e finalmente di prohibere ai Rettori, Superiori, o Amministratori dei suddetti Collegii di mandare via gli Alunni senza causa legittima da giustificarsi antecedentemente in Roma avanti la S. Congregatione de Propaganda Fide, o avanti quelli che la detta Sacra Congregatione deputerà su i luoghi per esaminare le suddette cause, sentire li giovani medesimi prima di licenziarli.

2. Di potere chiamare alla Missione di Scozia tutti quelli, che per li giuramenti fatti nei Collegii suddetti sono obbligati di servire la loro Patria in qualità di Missionarii.

3. Di invitare alla detta Missione di Scozia quei Regolari, etiam della Compagnia di Gesù, che egli giudicherà idonei per lavorare in quella vigna del Signore, et in caso che questi consentano d'andarvi, che i loro Superiori non possino ritenerli fuori della missione senza addurre causa molto rilevante da giustificarsi, et approvarsi avanti la S. Cong. de Propag. Fide.

4. Di poter esaminare tutti li Sacerdoti, tanto del Clero, quanto dei Regolari che sono o saranno in quel Regno per vedere se sono idonei per fare le funzioni missionali e sacerdotale, e di poter deputare a questo effetto esaminatori in suo luogo.

5. Di poter distribuire tutti li Sacerdoti, tanto del Clero, quanto de' Regolari etiam Societatis Jesu per quelle Provincie e luoghi, che giudicherà espediente, e di poter rimuovere le medesimi da un luogo all' altro secondo il suo ragionevole giudizio.

6. Di poter rimandare dalla Missione, e togliere le facoltà e Patenti, &c., a quelli chiunque siano che sono scandalosi o in pericolo di commettere scandali, o per altre ragioni da giustificarsi, bisognando avanti questa S. Sede o la Sacra Cong. de Propag. Fidei, massime in caso di ricorso, e di appellatione, ma che in tanto siano obbligati di ubidire sotto pena &c.

7. Di obligare tutti i Missionarii tanto del Clero, quanto Regolari etiam Societatis Jesu, di dargli ragguaglio ogni tanto tempo di tutte le cose Ecclesiastiche che arrivano nei loro distretti per poter egli ragguagliare la Santa Sede Apostolica.

8. Di stabilire dove gli parerà Provicarii, ai quali tutti gli altri Missionarii tanto del Clero, quanto Regolari siano obbligati di ubidire come al Vicario Apostolico istesso in tutte quelle cose

che concernano la cura di anime, e che nessuno possa esercitare le funzioni Missionali senza del Vicario Apostolico medesimo, o de' suoi Vicarii nei loro recinti.

9. Di potere in ogni distretto o recinto dove sono Provicarii suoi creare e stabilire Notarii Apostolici per potere autenticare le scritture, et altro che occorrerà fare, &c.

10. Di potere erigere scuole, e proibere di insegnare senza sua licenza in scriptio.

11. Di potere correggere, riprendere, e diriggere i Predicatori che scandalizzano più tosto, che edificano gli auditori, massime quando questi sono heretici.

12. Di poter fare in Scozia tutto quello che fanno gli Vescovi Ordinarii de' luoghi nelle loro diocesi secondo gli' Decreti del Concilio di Trento non solamente in quanto al governo dei Popoli, e del Clero, ma anche rispetto ai Regolari etiam Societatis Jesu.

Il che, &c. Quam Deus, &c.

*Dilata et postquam pervenerit ad suam Residentiam habebitur ratio.*

(Handwriting of Card. Colloredo.)

## Notices of Books

MEMOIR OF MOTHER MARY ROSE COLUMBA ADAMS, O.P.

By the Right Rev. W. R. Brownlow, D.D., Bishop of Clifton. London: Burns & Oates.

SOPHIA CHARLOTTE LOUISA ADAMS, afterwards known as Mother Rose Columba, was born in 1832, at Tower House, Woodchester, near Stroud, Gloucestershire. When eleven years of age, she lost her mother, who, the author tells us, was a very accomplished woman. It would seem that the chief occupation of Sophy's early years was to please a loving father; "to be always at his beck and call, and to read to him and amuse him during his leisure hours." He allowed her, however, a fair share of liberty. "All who knew Miss Sophy Adams in the days of her youth speak of her love for horses and dogs, her skill in the management of her horse, and her fearless riding across country. She took the 'daily round' of life in a country village, and spent it in home duties and outdoor pleasures." But she took her

pleasures very differently from the average type of her class. "Many a time when to all appearance she was more gipsy than men, loving her freedom, and going about on her high-spirited horse, followed by her large dog, quite alone, she was really on some errand of mercy carrying some delicacy to a sick person, or going to read to some poor old man or woman. We gather from her later writings, that, notwithstanding her love of outdoor sport, she had been really at heart a very nervous and thoughtful girl. "I remember," she writes, "when I was quite young, I and my uncle going to the opera . . . There was the usual crush, and so the carriage had to wait for its turn; and the thought of the worldly difference between those outside the carriage and those in it came home to me. I wondered why there should be that difference." She also writes: "As a child I had a terrible sense of sin, and I used to long to have lived in the times when sacrifices were offered, or when the Apostles were upon earth. I remember a time when I was a Protestant, and could not help praying all day." A great stir was caused in Woodchester in the year 1849. Some few years previously a Catholic Mission was established in the place. On October 1st, 1849, a new Catholic church was opened with a pomp and ceremonial which astonished the natives. Sophy Adams was not among the bigots; though her father and brother were very strict Protestants. She and her sister Cecilia soon made the acquaintance of the fathers, and both were received into the Church, in 1851. They took this step against the positive command of their father, who, though he did not actually turn them out of his house, yet so far permitted them to be abused and annoyed, that they were obliged to seek a new home. The two sisters lived a good deal together, first at Exeter and afterwards near Woodchester, until 1856, when Sophia entered the Dominican Convent at Stone. Doubly dowered with wealth and beauty, she might have easily found a home in the world; but the 'kindly light' which led her out of Protestantism, beacons her to the cloister, and her generous soul gave up all for "God alone."

The Right Rev. author traces her career in religion from the beginning of her noviceship, in 1856, to her death in 1891. As early as 1860 she was sent to preside as vicaress over the little Dominican Community at Stroke-upon-Trent. Six years later she was sent to superintend the foundation of a new house and an orphanage at St. May Church. Here she remained for seventeen



years, discharging all the time the onerous duties of Superior. When a change came, in 1883, it was another parting from home and kindred. In this year a message reached the English Dominican Sisters from South Australia, inviting them to found an hospital in Adelaide. Mother Rose Columba was among the volunteers for this grand mission, and arrived in Australia, with six companions, in August, 1883. The little community experienced many bitter trials in their new home.

Not the least of those was the death of their beloved mother, on the 30th December, 1891. She had just made arrangements for the erection of a church of perpetual adoration, which is now completed. She may, therefore, be regarded as the first to commence this devotion in the Antipodes, and God has blessed the undertaking in providing for the community which she founded in Adelaide postulants numerous enough to realize the aspirations of Mother Rose Columba.

Bishop Brownlow deserves the thanks of religious for having placed on record the labours of a servant of God, whose example and character cannot fail to exercise a stimulating influence on all who read his book. He allows the subject of his memoir to speak to us through her beautiful letters, and through her notes of retreats, which one cannot read without feeling the subtle influence of the sanctity which dictated them. The book, perhaps, abounds in too many trivial details, but we feel justified in heartily recommending it to religious communities as the record of a holy and laborious life. "The great lesson of that life is but summed up in the words of St. Rose of Lima: 'If you would win heaven, you must be generous and labour hard and suffer much.'"

T. P. G.

ST. PATRICK'S PURGATORY, LOUGH DERG. Dublin: James Duffy & Co.; M. H. Gill & Son.

No pious pilgrim, who has ever visited the hallowed retreat of Station Island, in Lough Derg, has failed to realize the feeling expressed so quaintly in the ballad hymn chanted by each large contingent as they embark on their return journey:—

"Until life's days have passed away,  
No pleasure can beguile  
My thoughts from often turning  
Back to the sacred isle."

Nor can any pious reader, who has once perused the charming

pages of Canon O'Connor's handbook, fail to resort, again and again, to that well-packed and fascinating repertoire of history and traditional lore. Hence, we accord to the gifted author, with unfeigned warmth, the recognition of the deep debt of gratitude under which he places, not merely those who frequent Lough Derg from religious motives, but the votaries of antiquarianism as well. The expanse of erudite and thoroughly reliable information, presented in this exhaustive volume, is not confined within the limits of a map of Lough Derg and its immediate vicinity. The early Irish saints, holy wells, &c., are treated of, at less or greater length, according as their connection with the "station," analogous practices in other localities, or corresponding ruins and excavations elsewhere may demand. So that we have no hesitation in recommending heartily this valuable book, even to those who cannot reasonably promise themselves the privilege of ever visiting St. Patrick's Purgatory. For tourists in the north of Ireland, especially if they happen to be warm Catholics, it is an indispensable supplement to their ordinary "Baedekers."

This second edition is enhanced by the insertion of many additional illustrations, and the continuation of the history of Lough Derg up to date. To borrow the words of the learned Bishop of Clogher, we "believe it will help to render still more illustrious the fame of our only national pilgrimage, and will be the means of bringing within reach of its saving influence many who, otherwise, might not be attracted to this holy shrine."

What with the facilities so abundantly accorded by the Great Northern Company, and the ample accommodation available in the hospice, we hardly know any spot within the four shores of Ireland, more attractive and more suitable as a resort for the members of confraternities and guilds on the occasion of their annual holiday.

"There mournful men and thoughtful girls  
Sins from their souls unbind;  
Their thin gray hairs and childish curls  
Are streaming in the wind;  
From May till August, night and day,  
There praying pilgrims hide—  
Oh! man hath no such refuge left,  
In all the world wide."

E. M.

**HOMILETICAL SERMONS.** Sketches on the Sunday Epistles, drawn up by a Committee of Priests, and Edited by the Rev. W. M. Cunningham. London: St. Anslem's Society, 7, Agar-street, Charing Cross, 1895.

THIS book is got up something after the manner of our Intermediate texts, in which the work for the student is reduced to a minimum. What is called a sermonette may be found here on each of the epistles for the Sundays throughout the year. A subject and text are chosen from the Epistle. Then follow a short introduction, sub-headings under two or three points, and the outline or suggestion of a peroration. Missionary priests owe a debt of gratitude to the committee who have drawn up for their convenience those sermon sketches. A good plan is no small part of a sermon, and we think the plans given in this book are excellent, and that, besides saving a busy priest the trouble of devising one, they will suggest to him the proper thoughts upon the subjects chosen. Let it not be inferred, however, that such a book can do any more.

**IRISH READINGS.** Vol. I. Dublin: M. H. Gill & Son.

"THE public speaker may die," said Grattan, "but the immortal fire will outlast the organ that conveyed it, and the breath of liberty, like the word of the holy man, will not die with the prophet, but survive him." This "immortal fire" of patriotic hope and lofty sentiment, enshrined in soul-stirring oratory or pathetic verse, burns in every line of these splendid selections. In latter years, the Irish-reading public and Irish audiences, on occasions of literary entertainments, evince an insatiable craving for silly caricatures of the Irish artisan, peasant, or mendicant. There ought to be no toleration for such gross and unbrotherly misrepresentations of the typical Irishman; let the morbid and degenerate appetite for such stuff be starved into a less diseased condition, when it shall gladly feast on healthy literature. No living man has done more to resist this downward tendency than the veteran poet and patriot, T. D. Sullivan. His lamented brother, the late A. M. Sullivan, was the readiest and most effective Irish orator of his day; while, as an historian, he proved a genuine benefactor to contemporary and future Irishmen. It is unnecessary to remind the younger generation that the "Penny Readings," now republished in such attractive form, have been collected—a few of them have been

contributed—by these two illustrious Irishmen. Whether for recitation or for private reading, no more wholesome literature can be placed in the hands of our youth than the varied and instructive pieces here presented. No parish library is complete without a few copies on its shelves.

E. M.

**HAYMVO OF HYTHE, BISHOP OF ROCHESTER.** By Richard A. O'Gorman, O.S.A. London: Washbourne.

THIS is an exceedingly interesting monograph on the life and labours of a bishop of the olden times who governed the Church in England, before the pall of heresy settled down upon the land. As an introduction to the life itself the author gives a succinct account of the religious vicissitudes of British history as represented in the old Austin settlement of Hythe, which, "per varios casus," has returned somewhat to its old allegiance, and finds itself at the present time the stronghold of a flourishing religious community, whose members are determined to revive its ancient glories and restore its bygone splendour. There is a distinctively religious charm about the history of the good old Catholic times in England, and the more we penetrate into its recesses, the deeper our interest becomes. We feel thankful, therefore, to anybody who leads us on a pilgrimage in thought, to one of its early shrines, and unfolds to us the quiet history of its charitable deeds. This is what we find in Father O'Gorman's interesting volume, to which we earnestly refer our readers.

**LES CONTRESENS BIBLIQUES DES PREDICATEURS.** Par R. P. Bainvel. Paris: Le Thielleux, 10, Rue Cassette.

A LIST of Biblical texts frequently distorted by preachers, taken out of their context, and applied to circumstances that have little or no analogy with those in which the words were used by the sacred writers, forms the subject of this interesting volume. The author has gone about his work in earnest. His explanations of the texts misapplied are learned and clear. We are surprised, indeed, that the list is so short. This arises from the fact that the author has not thought it worth while to notice the more commonplace and obvious mistakes made in this department. We regret that he has not supplied a list of these also. But the volume will be found useful to preachers even in its present form.

# THE IRISH ECCLESIASTICAL RECORD

NOVEMBER, 1895

## CARDINAL GONZALEZ

**I**N the death of the late Cardinal Gonzalez, the Church has lost one of her noblest defenders, and Spain one of its most illustrious sons. His life was devoted to religion and science. He was a valiant champion of truth, and the works which he left behind him will hand on his name to future generations, as one who laboured in defence of Catholic doctrine and scholastic philosophy. He attained to great eminence during life, and Spain holds his memory in benediction.

Zeferino Gonzalez was born in Villoria on the 28th of January, 1831. His parents, Emmanuel Gonzalez and Mary Teresa Diaz Tunon, were remarkable for their piety, and spared no pains in bringing up their child in strict religious principles, and inculcating those lessons of industry which bore abundant fruit in after years. Zeferino profited by the precepts of his parents, and became so assiduous in his application to study, that he earned for himself the appellation of the "book-worm." His first lessons in letters were taught him by his father, who was gratified with the progress which the boy made under his paternal tuition. When he had acquired the first rudiments of knowledge, young Gonzalez was sent by his parents to study Latin under a master, who, we are assured, spared neither pains nor the rod to make his pupils proficient in the subjects he taught them. Gonzalez, however, gave his master little trouble, and so eager was his desire for knowledge, that neither rain nor snow, though he had to walk five miles,

ever prevented him from being present at his classes. We might, indeed, apply to him the words of the poet, *Multa tulit fecitque puer, sudavit et alsit*. He was the school companion, during those years of assiduous labour, of Melchior Garcia San Pedro, who entered the Dominican Order, and obtained the crown of martyrdom in China. Gonzalez followed the example of his saintly companion, and entered the Dominican College of Ocaña, on the 28th of November, 1844, and made his simple profession there in 1848.

The revolution which disturbed the whole of Europe in 1848 reached the silent cloisters of Ocaña also, and the religious were compelled to disperse. Nineteen embarked for the Philippine Islands, and among them young Gonzalez. The little band sailed from Cadiz ; in June, but scarcely had they left the port when a violent storm arose. They escaped shipwreck, however, and after a period of frightful anxiety and danger their disabled vessel was run into the port of Rio Janeiro. As their own ship was not considered seaworthy, they re-embarked on an English vessel, and set out again on their voyage ; but they had not proceeded far when a mutiny broke out among the crew. The vessel was set on fire by the maddened sailors, and the passengers were threatened with a death more terrible than that which they had so recently escaped ; but God, in whose hands are the destinies of all men, came to their aid. They signalled a ship in the distance, which bore down upon them. The mutineers were imprisoned, the fire extinguished, and after some delay, the religious were able to proceed on their voyage, and arrived at Manilla, after nine months of terrible sufferings, on the 24th of February, 1849.

Gonzalez began his studies with characteristic energy, and after a brilliant course, took his degrees in Philosophy and Theology. The career of a professor was now open to him, and he took charge of the philosophers, whom he taught with great ability and distinction for five years. When he had finished his philosophical course, he was promoted to the Chair of Theology in the University of Manilla, which is under the care and direction of the Dominican Order. It was during these years of diligent

labour and silent thought that he wrote his *Estudios sobre la Filosofía de Santo Tomás*. Of this work no one seems to have entertained so humble an opinion as its author. He never dreamed of publishing it. The amount of manuscripts, however, which were daily accumulating, attracted the notice of one of the fathers, who laid the matter before his superiors. On being asked what the manuscripts contained, and why they had assumed such proportions, Gonzalez replied, with characteristic simplicity, that he had allowed these papers to accumulate, but that they contained only some jottings he had made, when teaching philosophy, to help his memory. His superiors, however, from a knowledge of the young professor's abilities, insisted on examining the papers, with the result that he was commanded to prepare them for publication. In a short time the work appeared, and created a profound sensation among scholastic philosophers. It placed its author in the ranks of the first thinkers of this century. A detailed analysis of the work was given in a pamphlet published by the University of Manilla on the occasion of Gonzalez's elevation to the Cardinalate. "Balmes purified Spanish philosophy; Gonzalez established it; both embellished it. When the question will be asked, in the distant future, who were the most eminent philosophers of Spain, in the nineteenth century, two names written in characters of light will rise up in the minds of those who love our literature. They will be blessed by remembrance and exalted without flattery, they will occupy a place in the history of Philosophy, and will be pronounced by all with respect and admiration. These two names are Balmes and Gonzalez."<sup>1</sup>

We are of opinion that the place which Gonzalez should occupy, among the restorers of Christian philosophy in Europe, is side by side with Kleutgen and Sanseverino, and between Balmes and Donoso Cortes, who laboured to establish it in Spain. A contemporary writer says:—"When the history of Spanish philosophy shall have been written,

<sup>1</sup> Certamen científico-literario. Manilla, 1885. P. Zeferino y el Restablecimiento de la filosofía escolástica in España.

the name of Cardinal Gonzalez will occupy the most prominent place in the restoration of Scholasticism, for whilst he was still young, he astonished the savants of Europe by his *Estudios sobre la Filosofia de S. Thoma de Aquino*, a work which, when time shall have dispelled contemporary prejudices, will occupy a place not inferior to that of the works of Kleutgen and Sanseverino."<sup>1</sup> The *Fundamental Philosophy* of Balmes, and the *Essays and Studies* of Gonzalez, have won for Spain a first place among the nations of Europe in their struggle to restore Christian philosophy to its primitive purity.

The duties of Professor did not wholly absorb the attention of P. Zeferino, as he was, even to his death familiarly called; he was active in his missionary duties, and spent a considerable portion of his time in the confessional. He always entertained a strong desire to go on the Chinese Mission, but his superiors had no intention of parting with such a prize. His severe studies and active life proved too much for his delicate constitution, and in 1868, he was ordered to return to Spain. When Gonzalez had recovered his health, he was appointed rector of the Royal College of Ocaña. During his rectorship he maintained strict discipline, and although his position entailed many cares and great labour, he nevertheless took charge of the Logicians. During this time he made considerable additions to the laboratory of the College, and employed the most distinguished professors to teach the natural sciences. We are told that he often attended the lectures himself, and by his example incited the students to more strenuous efforts in the acquisition of knowledge. About this time he finished his *Philosophia Elementaria*, which he had begun in the Philippine Islands. This is a work in three volumes, and certainly holds a place with the *Institutiones Philosophicae* of F. Liberatore, and the *Summa Philosophica* of Cardinal Zigliara. On the expiration of his term of office as rector he went to Madrid to lecture on St. Thomas, and here he published a second course of elementary philosophy, written in Spanish. Gonzalez

<sup>1</sup> Menendez Pelayo. *Hist. de los Heterodoxos*, t. iii.



lectured for three years on St. Thomas at Madrid, and had for his pupils some of the most distinguished ecclesiastics of Spain. The abilities and great learning of the distinguished professor brought him into a prominence which he dreaded, and he was nominated, in 1875, by the Spanish Government, for the bishopric of Cordoba. Several of the admirers of Zeferino tried to persuade Pius IX. that Gonzalez would do more lasting good for the Church by remaining a simple religious, and devoting himself to science, than by ruling a diocese; but the Pope would not listen to these suggestions, and Gonzalez, accordingly, took possession of his see on the 5th of June of the same year. The wisdom and prudence which the new bishop manifested in the government of his flock left no doubt as to his abilities and fitness for his office. He visited the most distant parts of his diocese, and left nothing undone to instruct his flock, and provide for their spiritual welfare. He treated his priests with the utmost kindness. His palace was always at their disposal, and they were always welcome at his table.

In 1883, Gonzalez was promoted to the metropolitan see of Seville, and in 1884 he was created Cardinal Archbishop of Toledo and Patriarch of the West Indies. After a few months, however, he resigned the see of Toledo, and returned to Seville. A few years ago, owing to ill health, and a desire of devoting himself to scientific pursuits, he resigned the see of Seville, and even besought the Pope to allow him to lay aside the purple. The former request was granted, but to the latter the Pope would by no means consent. "During his incumbency as Bishop of Cordoba and Archbishop of Seville, he was famed for his magnificent pastorals, which recalled, in some measure, the immortal pronouncements of his predecessor, St. Isidore, one of the greatest glories of a land of saints and heroes. Some of these pastorals are incorporated in two volumes, entitled, *Religious, Philosophical, Scientific, and Social Studies*, a work which is greatly admired by all those who have read it."<sup>1</sup>

The duties of his pastoral office did not prevent Gonzalez during those years from following his literary and scientific

<sup>1</sup> Father Zahm, C.S.C., *Rosary Magazine*.

pursuits. While he was Bishop of Cordoba, he wrote his well-known work, the *History of Philosophy*, of which a distinguished French critic wrote in 1888.

"Scholasticism in Spain has never yet produced a monument more beautiful or more complete, a study more profound or more moderate, and, at the same time, more faithful to Christian traditions, than the *History of Philosophy*, by his Eminence Cardinal Gonzalez, Archbishop of Toledo. This beautiful work, in four volumes, has already reached a second edition, and is now being translated into French.<sup>1</sup> Hitherto the greater number of our histories of philosophy have completely ignored the schools of the middle age, which was considered as a period of darkness, extending from the invasion of the barbarians to the Renaissance, and historians considered it beneath the dignity of history to notice thinkers who were continually repeating texts of Aristotle which they did not understand. Cardinal Gonzalez consecrates a whole volume to scholastic philosophy. He clearly shows the largeness of view of the great doctors of the thirteenth century, their freedom of thought, and their anxiety for accuracy in their quotations. His love, however, for scholastic philosophy is not blinded by prejudice. He never degenerates into servile admiration. According to his view the philosophy of St. Thomas reaches the highest point to which human reason can aspire. He concedes that scholasticism, in the fifteenth century, stood in need of reform, and he is not afraid to accuse some of our neo-scholastics of falling into abuses also."<sup>2</sup>

A glance at the *History of Philosophy*, by Cardinal Gonzalez, will amply justify the remarks of this distinguished philosopher. Before one has finished reading the author's preface, one is convinced that the work is the production of a master-mind. The exposition of Arabian and Greek philosophy is all that could be desired; but perhaps the most valuable chapters of the work are those devoted to the exposition and criticism of Kant. Gonzalez points out the connection between the different systems, their relations one to another, and assigns the causes in which they had their origin. The history of Philosophy, he says, is nothing else than a history of the development of human thought.

"L'histoire de la Philosophie, laquelle, en definitive, n'est pas autre chose que l'histoire même de la pensée humaine,

<sup>1</sup> *Histoire de la Philosophie* par son Eminence le Cardinal Gonzalez des Frères Prêcheurs, Archevêque de Seville, traduite de l'Espagnol, avec autorisation de l'auteur et accompagnée de Notes, par Le R. P. G. de Pascal, Missionnaire Apostolique, Docteur en Theologie, 4 vols., Lethielleux. Paris.

<sup>2</sup> M. Domet de Verges, au Congrès Bibliographique International, 1888.

l'histoire des idées, est d'une importance extrême, car elle constitue un élément principal de la Philosophie de l'histoire et de la Philosophie de la civilisation. Elle ne renferme pas seulement la raison suffisante primordiale du mouvement de progrès qui s'accomplit dans l'humanité d'une manière lente et graduelle, mais elle explique aussi les mouvements extraordinaires et brusques qui de temps à autre se manifestent dans la marche de l'histoire et de la civilisation. Que si l'action lente, mais per sévérante et irresistible des idées explique le mouvement progressif du premier genre, leur action extraordinaire, conséquence naturelle de l'apparition subite, soit de conceptions grandioses et originales qui heurtant violemment d'autres conceptions, soit de penseurs doués d'une grande activité, explique la seconde espèce de mouvements. N'oublions pas que l'histoire de la Philosophie, comme l'histoire des peuples, a ses grands législateurs ses revolutions et ses restaurations.<sup>1</sup>

The last and, perhaps, the best work of Cardinal Gonzalez is *Ciencia y Religion*—Science and Religion. A distinguished writer and scientist thus speaks of this legacy of the learned Cardinal to the scientific world :—

“Valuable, however, as are all the productions of the learned Cardinal, I think it will be safe to assert that his most important, as well as most interesting, work is the one which he last gave to the world. It is composed of two handsome octavo volumes, and bears as its title *Ciencia y Religion*. In my judgment, it is the ablest contribution which has yet appeared on the numerous topics which have so long been in controversy between scientists on the one hand, and theologians on the other. It is indeed a veritable magazine of erudition, and a monument of profound thought and clear ratiocination. A thorough master of scholastic philosophy and theology, the illustrious prince of the Church is equally familiar with the results of modern scientific research. He sees at a glance the bearings of scientific inductions on the principles of Christian metaphysics and on the truths of revelation, and he expresses his conclusions without hesitation and without fear. Nothing escapes his eagle eye. He studies his subject from every point of view, and difficulties, which to others are insuperable, vanish like magic before his brilliant and piercing intellect. Like his master and model, the Angel of the Schools, he takes up and discusses the gravest objections his antagonist can present, and demonstrates in the most luminous manner, not only that there is no conflict between the teachings of faith and the certain conclusions of science, but also that no conflict is possible. With the irresistible logic of Balmes and in the delightful diction and sonorous periods of Donoso Cortès, he

<sup>1</sup> *Histoire de la Philosophie*, Preface, p. xiv.

exposes the fallacies of infidel and atheistic scientists, and shatters and destroys their theories beyond the possibility of reconstruction. As a masterpiece of philosophical acumen, as well as of deep and varied learning, *Ciencia y Religion* is unrivalled, and it is surprising that it has not been translated into English. I know of no work, discussing the same topics, which is so satisfactory and so conclusive."<sup>1</sup>

Gonzalez is thoroughly liberal in all his views. He can discern nothing in the progress of scientific discovery that need alarm the theologian or Christian philosopher. The Christian writer, he tells us, should not lose the balance of his mind because some discovery seems to be in opposition to a biblical text. While awaiting a reasonable solution in complete serenity, he should say to his adversary with St. Augustine, "Aut codex mendosus est, aut interpretes erravit, aut tu non intelligis." In speaking of the interpretation of Scripture he would have us always keep before our mind the *criterium* of St. Thomas, "Auctoritate Scripturae in nullo derogatur, dum diversimode exprimitur salva tamen fide: majori veritate Spiritus Sanctus foecundavit quam aliquis homo adinvenire potest."<sup>2</sup>

Throughout the whole work, Gonzalez displays the knowledge of a profound philosopher and the prudence of a consummate theologian. He warns the student of the great danger of confounding truths which, in themselves, are certain and the objects of true science, with those which have not yet passed the region of probability and conjecture. He treats with a rare prudence, and as a true theologian, the difficult question of biblical inspiration. A theologian, he says, should have, not only clear and precise ideas of those things which belong to faith and the object of divine revelation, but furthermore he should be thoroughly versed in the natural sciences and well informed in all modern and scientific discoveries, so that he may be able to defend revelation with the same arms which are employed in attacking it, and also in order that he may be thoroughly equipped for the combat, not indeed with those *arundines longas*, which Melchior Cano so justly and powerfully

<sup>1</sup> Father Zahm, C.S.C., *Rosary Magazine*.

<sup>2</sup> II. Sent., dist. xii., q. 1<sup>a</sup> a. 2, ad 7.

ridicules. With the exception of a discourse which he delivered before the Spanish Academy, *Ciencia y Religión*, was the last work of the distinguished Cardinal, and he prepared the sheets for a second edition of it while he was suffering from the terrible disease which brought him to the grave.

Gonzalez was a prolific writer.<sup>1</sup> The same pen which analyzed the concept of *ens generalissimum* and developed and illustrated the sublime principles of St. Thomas, could in turn examine and criticize the theories of Adam Smith and Malthus on political economy. "With the same ease he pulverizes the theories of Krause on the human soul and its destiny, defends the reality of philosophy against materialistic positivism, and determines the fundamental basis, philosophical as well as Christian, of the philosophy of history, adding to Bossuet, and following the footsteps of St. Augustine."<sup>2</sup> He wrote on atmospheric electricity, and published a pamphlet on earthquakes. These opuscula, together with many other articles which appeared in leading scientific publications, are collected in the two volumes on Literary, Scientific, and Social Studies.

Considered from an intellectual standpoint, Gonzalez was a worthy disciple of St. Thomas and Albert the Great, and an inheritor of the scientific traditions of the Spanish Dominicans, Victoria, Cano, Soto, Bañez, Alvarez, Lemos,

<sup>1</sup> The following is a list of the published works of Cardinal Gonzalez:—*Sermon de Santo Thomas*, Manilae, 1862. *Estudios sobre la filosofía de Santo Thomas de Aquino*, 2 vols., Manilae, 1864. *Philosophia Elementaria ad usum academicæ ac præsertim ecclesiasticæ juventutis*, 3 vols., Matriti, 1868. *Filosofia Elemental*, 3 vols., Matriti, 1873. *Historia de la filosofía*, 4 vols., Madrid, 1879. *La Biblia y la Ciencia*, 2 vols., Madrid, 1891. Several pamphlets and dissertations also appeared in print. The principle of these are—*Sobre la Electricidad, Terremotos, Pastoral de entrada en Corba*, 1875. *Pastoral sobre la Enciclica Aeterni Patris*, 1879. *Pastoral de entrada en Sevilla*, 1883. *Discurso academico de ingreso en la Academia de Ciencias morales y politicas*. The argument of this pamphlet is stated as.—"La causa principal de la decadencia social es la gran negacion de Dios; La Cruzada; La defensa de la Sociedad; la Ciudad de Dios, La España, Católica. El positivismo materialista, La Inmortalidad del alma y sus destinos, La economía política y el Cristianismo: los temblores de terra. La biblioteca de teólogos españoles; la infalibilidad pontificia; La filosofía católica y la racionalista; Estudios religiosos, filosóficos y sociales, 2 vols., Madrid, 1873.—Biografía del P. Pedro Soto, Ord. Praed., Biografía de Osio, Relaciones entre el habla castellana y la mística española. *Analecta S. Ord. Fratrum Praed.* an 3º Fac. 1.

<sup>2</sup> *Revue Thomiste*, v. iii., n. 1.

and other great theologians of the sixteenth century. He was as competent to write on the philosophy of history and political economy as on the True, the Beautiful, and the Good. He was very sparing of words. He thought much and spoke little. His life, wholly devoted to science, literature, and the doctrine of St. Thomas, manifested some traits of the "Dumb Ox of Sicily," and characteristics of his master are apparent in all the works of the Cardinal. The words in which Aristotle describes the magnanimous man may be fitly applied to him, "*Curare veritatem magis quam opinionem. Neque admirativus; neque humaniloquus; neque enim de seipso loquitur, neque de alio; neque ut laudetur cura est ipsi; neque ut alii vituperentur neque rursus laudativus est. Et ad aliam non posse vivere, sed vel ad amicum; et motus tardus et vox gravis, et locutio stabilis.*"<sup>1</sup>

Cardinal Gonzalez was a great favourite in Spain. His amiable qualities endeared him to all. Among the poor he was always known as P. Zeferino, and his countrymen, who were proud of him, gave him the name of El Cardinal Filosofo. For more than a year before his death he had been suffering from a severe affection of the throat. All that medical skill and the solicitude of loving friends could suggest was done; but all efforts were fruitless. He died on the 29th of November. In his life he was a true son of the Church and St. Dominic, and in his death he remembered only that he was a religious. By a royal decree he was awarded all the honours of a public funeral,<sup>2</sup> and Catholic Spain honours him as one of her brightest ornaments.

MICHAEL M. O'KANE, O.P.

<sup>1</sup> *Ethicorum* lit. iv.

<sup>2</sup> "Descando dar una muestra del aprecio que merecen los eminentes servicios prestados á la Iglesia y al Estado por el Cardinal D. Fray Zeferino Gonzalez y Diaz Tuñon, Arzobispo, que fué de Toledo cuyo fallecimiento ha tenido lugar en le dia de hoy.—En nombre de mi augusto Hijo el Rey Alfonso XIII. y como Reina Regente del Reino, de acuerdo con el Consejo de Ministros.

"Vengo en disponer que al cadáver del expresado Cardenal se le tributen, a pesar de la presencia de mi augusto Hijo en esta corte, los honores funebres que la Ordenanza señala para el Capitari general de ejercito en los arts. 44, y 45 de tit. V., tratado III.—Dado en Palacio á 29 de Novembre de 1894.—Maria Cristina.—El ministro de la Guerra, José Lopez Domingues."

## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### XI. THE BOARD OF CHARITABLE DONATIONS AND BEQUESTS IN IRELAND—(*continued*)

TO find an explanation of the hostility which the Act for the establishment of the Bequests' Board had to encounter,<sup>1</sup> we must take into account, not merely the general circumstances of Ireland at the time, but especially one dominating incident, to which, apparently, far more than to anything else, may be traced the wild unreasonableness of the popular feeling that was aroused by the introduction of the Bequests' Bill and by its subsequent enactment.

The summer of 1844 was a singularly unfavourable time for the introduction of any small measure of reform for Ireland. O'Connell had just been imprisoned. His imprisonment had stirred up popular feeling throughout the country to a pitch of intense excitement. In Catholic and Nationalist circles, all over Ireland, there was a feeling of deep and bitter resentment against the Ministers who had taken the extreme step of prosecuting the great constitutional leader on a far-fetched charge of conspiracy, and whose officials, in their determination to secure a conviction, by fair means or by foul, had not shrunk from having recourse to the most scandalous piece of jury-packing that had ever, up to that time, brought disgrace upon the administration of the law in Ireland.

Brought in at such a time, by a Ministry responsible for proceedings so hateful to the Catholics of Ireland, the Bill for the reform of the Bequests' Board was not likely to be received with a very cordial welcome, or to have its shortcomings, trivial or serious as they might be, criticized in a very friendly spirit. To all this must be added the attitude of relentless opposition to the new measure, taken up by O'Connell himself.<sup>2</sup> For, over and over again, speaking not

<sup>1</sup> See I. E. RECORD, October, 1895, page 875.

<sup>2</sup> *Ibid.*, page 876, 877.

merely as a political leader, but as a lawyer of unquestioned eminence, he emphatically denounced the new Act as, on legal grounds, a monstrous invasion of the recognised rights of the Catholic Church in Ireland.

O'Connell's legal criticism upon the Act,—as distinct from his almost countless speeches against it,—was embodied chiefly in two professional "Opinions." These were drawn up in the usual form, in answer to queries duly submitted to him through a Solicitor,<sup>1</sup> and in more than one respect they are of singular interest.

The first professional Opinion given by O'Connell on the subject of the Bequests' Act<sup>2</sup> is dated August 24th, 1844. Its points of practical importance are the following three:—

1. He described the power with which the Commissioners were to be invested as "formidable and dangerous." That power, he said, would bring "within the great grasp of the Board," not only *all future bequests and other gifts for charitable purposes*, but also *all existing charitable funds in Ireland*, with, possibly, one exception. The "grasp of the Board" might not perhaps extend to funds that were vested in any trustee or trustees, "by a final decree of the Court of Chancery." But if this one exception was to be admitted, it certainly was the only one. "I do not know," he said, "of any other Catholic charity that can be *safe under such a tribunal*."

2. The Commissioners, armed with this "monstrous extent of powers," applying to "all pre-existing charities as well as to all future charities," were, he said, furthermore authorized by the Act "*to decide many matters of doctrine and discipline*, and, in particular, as to *the succession of the prelates and priests* of the various dioceses and parishes of Ireland."

3. The Act, instead of dealing with the religious concerns

<sup>1</sup> It should never be forgotten that O'Connell, as he often publicly declared, invariably refused to take a fee when his professional services were called upon in the cause of charity. In connection with this point, see his words quoted in the June number of the *J. E. RECORD*, page 494.

<sup>2</sup> See *The Freeman's Journal*, 27th August, 1844.



of Catholics and Protestants on a footing of equality, gave, he alleged, "a more extensive dominion over Catholic than over Protestant charities;" for, whilst, in the case of the Protestant religious bodies, the Act authorized the Commissioners to make inquiries only as to the "usages and discipline" of those bodies, it extended that authority, he said, in the case of Catholic charities, to inquiries concerning "the *doctrine, discipline, and constitution*" of the Catholic Church.

In Ireland, not unnaturally,—at all events outside of legal circles,—this professional Opinion of O'Connell's was very generally regarded as putting an end to all possibility of further serious controversy as to the nature of the new Act. Few who were not themselves lawyers would venture to question the soundness of his exposition of the law. And no Catholic, taking that exposition of the law to be correct, could maintain that the powers of the new Commissioners were such as could be exercised without a schismatical invasion of ecclesiastical jurisdiction, or that any Catholic, ecclesiastic or layman, could, consistently with Catholic duty, undertake to act as a member of such a body.

After the publication of O'Connell's Opinion, the report,<sup>1</sup> previously in general circulation, that three of the Bishops, including the Primate and the Archbishop of Dublin, were to be invited to become members of the new Board, and that, if invited, they would consent to act, began to be discussed as a matter seriously compromising the position of those Prelates. Even lay Catholics worthy of the name might surely, it was said, be relied upon to hold aloof from a body such as O'Connell had shown that the new Board would be. Was it to be contemplated as possible that three Bishops of the Church would bring disgrace upon their order by making themselves parties to a schismatical invasion of the rights of their episcopal brethren throughout Ireland?

At this point, a step of great importance was taken by a number of the leading ecclesiastical opponents of the new

<sup>1</sup> See I. E. RECORD, October, 1895, pages 878, 879.

Act. A document, entitled a "Protest of the Hierarchy and Clergy of Ireland," was drawn up for publication, and was widely circulated through the newspapers in Dublin and throughout the country.

This "Protest" expressed the conviction of all who signed it,—a conviction which they stated had been formed as the result of their having "studied with attention" the provisions of the Act. This was as follows :—

"That the measure is fraught with the worst consequences to religion, and, if carried into operation, will finally lead to the subjugation of the Roman Catholic Church in Ireland to the temporal power."

As to those Bishops who might have any thought of accepting the office of Commissioners, the Bishops and clergy who signed the Protest reminded them that, if they did so, they would be—

"Called upon, in the exercise of their functions as Commissioners, to *interfere and pronounce in spiritual matters belonging to the jurisdiction of other Bishops*, which is a flagrant violation of the Canons of our Church."<sup>1</sup>

This Protest, which began, "We, the undersigned Archbishops, Bishops, and Priests of the Roman Catholic Church in Ireland," was published from time to time in the newspapers, with additional lists of signatures as they were received. Eventually it appeared with the signatures of one Archbishop—the Archbishop of Tuam,—of eleven Bishops of suffragan sees, and of over eight hundred priests, secular or regular.<sup>2</sup>

These numbers, however, are far from indicating the extent to which the Bishops and priests of Ireland had been led by O'Connell's Opinion to regard the Act in the light in which it was represented in the Protest. The Irish Bishops were then about to meet for the purpose of considering the Act in all its bearings, and especially of coming to a decision as to how those individual Bishops were to act

<sup>1</sup> See *The Freeman's Journal*, September, 21st, 1844.

<sup>2</sup> *Ibid.*, November 26th, 1844.

who might be invited to become members of the new Board. Many who were strong opponents of the Act considered that the publication of the Protest at such a juncture, in anticipation of the meeting of the Bishops, was both inopportune and unseemly. They consequently felt constrained, whilst strongly sympathizing with the views it expressed, to decline to sign it.

Also about this time, the opponents of the new measure took another important step, which,—unlike the publication of the “Protest,”—was clearly within the lines of ecclesiastical order. They sought to obtain from the Holy See a condemnation of the new Board, on religious grounds, so that it would not be left open to any Catholic to accept the office of Commissioner. Thus they hoped to make it impossible for the Government to constitute the new Board at all.<sup>1</sup>

O’Connell’s Opinion was forwarded to Rome by the Archbishop of Tuam. Dr. Cullen, then Rector of the Irish College, naturally regarding the Opinion as a document of unassailable authority, wrote back to the Archbishop, speaking of the Act in language of strong condemnation, and expressing his confidence that no Bishop would be found to become a member of such a Board. He promised to translate O’Connell’s legal Opinion into Italian, and to place it in the hands of the Pope.<sup>2</sup> It is interesting also to note that the newspapers of the time contain two long and elaborate letters from the Vice-Rector of the Irish College, the late Most Rev. Dr. Kirby, unsparing in their denunciation of the Government measure. In one of these, Dr. Kirby expressed his conviction that no Catholic could be found—

“So vile, so perverse, and so dishonoured, as to join *this horrid, this schismatical, this truly impious attempt* to prostrate the liberties of the Church of God at the feet of its ancient and inveterate enemies.”<sup>3</sup>

<sup>1</sup> See I. E. RECORD, October, 1895, page 876.

<sup>2</sup> *Life of the Most Rev. Dr. MacHale, Archbishop of Tuam.* By the Right Rev. Mgr. O’Reilly, vol. i., page 557.

<sup>3</sup> *The Freeman’s Journal*, October 5th, 1895.

And in the second, he energetically affirmed that—

“No Catholic can regard *the present Commission, or the cursed law from which it emanates*, with any other feelings than those of horror.”<sup>1</sup>

The meeting of the Irish Bishops in reference to the new Act and the various important ecclesiastical questions arising out of it, was held on the 17th of November, 1844, and the following days.

The result of the meeting must have come as a startling surprise upon all who had formed their opinions of the Act on the basis of O'Connell's exposition of it. For, instead of protesting against the Act as schismatical in its tendencies, or as worthy of reprobation in any way, the Bishops simply passed a Resolution in which, after referring to the differences of opinion to which the Act had given rise, they declared that each Bishop was—

“*At perfect liberty to act according to the dictates of his own conscience* in reference to that measure.”

It may safely be assumed that the Bishops did not arrive at such a result as this without having before them the Opinions of some other lawyers, on which they were able to rely in coming to the conclusion that O'Connell's exposition of the Act was erroneous. That it was erroneous, might now perhaps be regarded as sufficiently manifest from the working of the Bequests' Board for the last fifty years. For, as we have already seen,<sup>2</sup> the Board, throughout all that time, has been working under this very Act in reference to which O'Connell's Opinion was given. But it may be useful, in addition, briefly to compare the main points in O'Connell's Opinion, as already stated in detail,<sup>3</sup> with the provisions of the Act itself.

1. As to the “formidable and dangerous power”<sup>4</sup> with which the Commissioners were to be invested, it was simply the power to sue, and thus to set the Courts in

<sup>1</sup> *The Freeman's Journal*, October 17th, 1895.

<sup>2</sup> See I. E. RECORD, October, 1895, page 880.

<sup>3</sup> See *ante*, pages 972, 973.

<sup>4</sup> See *ante*, page 972.

motion, for the recovery of any charitable gift discovered to be "withheld, concealed, or misapplied," so that the gift when recovered might be applied by the Commissioners "according to the intention of the donor." What O'Connell could have meant by saying that "before such a tribunal," no "Catholic charities"—with the possible exception of the few that happened to be protected by a final decree of the Court of Chancery,—could any longer be regarded as "safe," it is not easy even to conjecture.

2. Of his statement<sup>1</sup> that the Act empowers the Commissioners to decide matters belonging exclusively to the sphere of ecclesiastical jurisdiction,—such as those referred to in his Opinion,—it is enough to say that the Act gives no such power; his reference is to the 6th section of the Act, the true purport of which has already been fully explained.<sup>2</sup>

3. The phrase relied upon by O'Connell as the groundwork of the third, and, in one respect, the most formidable-looking, count in his indictment of the Act,—“the doctrine, discipline, and constitution” of the Catholic Church,<sup>3</sup>—may appear to give rise to a more serious difficulty. But, incredible as it may seem, the words to which he thus attached such special importance do not occur in the Act at all! They were indeed to be found in one of the clauses of the Bill when it was passing through Parliament. As they stood, however, in that clause, they were applied in identically the same way, word for word, to the Protestant, as to the Catholic, side of the case. But neither in reference to the Protestant religious bodies on the one hand, nor in reference to the Catholic Church on the other, are any such words to be found in the Act of Parliament, from which O'Connell in his Opinion professed to quote them!

In view of the fact that a legal Opinion such as this formed the chief, if not the only, groundwork of the

<sup>1</sup> See *ante*, page 972.

<sup>2</sup> See I. E. RECORD, October, 1895, pages 892, 893.

<sup>3</sup> See *ante*, pages 972, 973.

movement that had been organized to influence the Bishops to condemn the Act on religious grounds, the collapse of that movement, when the points in question came to be discussed in the deliberative assembly of the Bishops, can cause but little surprise.

Within a few days after the meeting, the names of the five Catholics who were to be appointed Commissioners were unofficially published. Three of the five were Bishops—the Primate (Crolly), the Archbishop (Murray) of Dublin, and the Bishop (Kennedy) of Killaloe. The consent of those Prelates to act as Commissioners had, of course, been withheld until a decision as to the course they might be considered at liberty to take in the matter had been come to by their episcopal brethren.<sup>1</sup>

That decision, however, was by no means acquiesced in by some of those members of the Episcopal Body who took a prominent part in the opposition to the new Act. Within a very few days after the meeting, the "Protest," which, previous to the meeting, had been signed<sup>2</sup> by so many priests and bishops, was republished in the newspapers. Moreover, as has been disclosed in a recently published *Life of the Archbishop of Tuam*, the Archbishop, almost immediately after the meeting, wrote to the Cardinal Prefect of Propaganda, urging that a mandate over-ruling the decision of the Irish Bishops in this matter should forthwith be sent to them from the Holy See.<sup>3</sup>

This letter, however, failed to obtain the desired result. The answer to it, which, for certain reasons, was delayed for considerably over a month, was a strongly-worded official letter of remonstrance with the Archbishop for his persistent attempts—continued even after the meeting of the Bishops—to provoke, and to keep up, public discussions between ecclesiastics upon this grave subject. Such a course of proceeding, the letter went on to say,

<sup>1</sup> See *ante*, page 976.

<sup>2</sup> See *ante*, page 974.

<sup>3</sup> *Life of the Most Rev. Dr. MacHale, Archbishop of Tuam*. By the Right Rev. Mgr. O'Reilly, D.D. Vol. i., pages 554-557.

rendered most difficult the maintenance of that unity amongst the Bishops of Ireland, in the absence of which the Bishops would be powerless to defend the interests of religion, in so far as these might at any time be exposed to danger, either from the working of the Bequests' Act or from any other source.

In the meantime, O'Connell set about the organization of a new campaign, with the view of recovering some of the ground that he had lost through the failure of the attempt to obtain from the Bishops a condemnation of the Act.

The keynote of the new agitation was at once boldly struck in the newspapers: the Irish Church, betrayed by the Bishops, had now to be saved by the laity. It was also suggested, that there was no reason why the work of rescue should be left to the laity alone. Those of the Bishops and clergy who disapproved of the decision come to by the Bishops at their meeting, were called upon to organize their forces and set to work anew. Both these calls, the second as well as the first, were promptly responded to; and for weeks and months, the newspapers continued to chronicle the various incidents of "The Lay Movement" and "The Clerical Movement," as meeting after meeting was held,—at times with a Bishop in the chair,—to protest against the action of the Episcopal Body.

The meetings began in Dublin, where O'Connell's power, for all purposes that could be achieved by organization, was supreme. The city was mapped out into districts—oddly enough, on the basis of the Protestant parishes and unions of parishes. Each district was to have its meeting. In due course, the meetings were held. And at every one of them, O'Connell, with his marvellous readiness and inexhaustible energy, was present, and was, of course, the chief speaker.

With characteristic ingenuity, he put as far as possible into the background his Opinion of the 24th of August and the points he had relied upon in it.<sup>1</sup> There was more than

<sup>1</sup> See *ante*, pages 972, 973.

one reason for this. Attention had in the meantime been called, by a letter in the newspapers, to the fact that in that Opinion he had committed the strange blunder of basing one of his main grounds of objection to the Act upon words that had at one time been in the Bill, but that had disappeared from it before it passed into law.<sup>1</sup> In connection with this, it had, not very unnaturally, been charged against him that he had given that Opinion rather as a politician than as a lawyer. The Opinion, too, had been seriously discredited by the wholly unexpected result of the Bishops' deliberations at their meeting.<sup>2</sup>

Plainly, if the opposition to the Act was not to be allowed to end in a miserable collapse, it was necessary to break new ground. New ground accordingly was broken, and none could have been more skilfully chosen for the purpose than that which O'Connell now took up. His second statement, like the former one, was embodied in the form of Counsel's Opinion.

In this second Opinion, dated November 30th, 1844, he raised the sensational cry that the Religious Orders were in danger. They, he said, were specially aimed at in the new Act: that Act would effect *a confiscation of all their property*: and any Catholic,—layman, priest, or Bishop,—who would accept the position of Commissioner under the Act, would thereby bind himself in law to become an instrument in the hands of the Government for carrying out the contemplated plunder.

The following extracts sufficiently indicate the drift of this extraordinary document:—

“ I am sincerely sorry to be obliged to say that the situation of the Regular Clergy is rendered by the Charitable Donations Bill (*sic*), in many respects, worse, and, in all, more precarious, than it was under the Emancipation Act. . . .

“ My opinion is in favour of *the capability of a single Regular* to take a donation in land or money for charitable purposes, before the passing of the [recent] Act. . . . Since

<sup>1</sup> See *ante*, pages 972, 973, and 977

<sup>2</sup> See *ante*, page 976.



that statute, that is, at present, . . . *no single Regular can take and enjoy any species of property . . .* for the support of the Order, or of any portion of the Order. . . .<sup>1</sup>

"All property of the Regulars in Ireland is liable, under the former Act, coupled with this, to confiscation, or to be applied to charities in which no Regular could have any interest. . . .

"Perhaps the very worst feature in this last statute is that it places the Catholic Commissioners (*if any Catholic accepts the office*) in direct antagonism with all the Regular Clergy . . . EVERY CATHOLIC COMMISSIONER is, in discharge of his duty under the new Act, BOUND TO TAKE AWAY FROM THE REGULARS THEIR PROPERTY, and apply it to other purposes.

"There is this additional disadvantage under this new Act, that, prior to that Act, the Protestant Commissioners had no means of knowing, or at least of proving, . who was, or was not, a Regular; whereas, SHOULD THERE BE A CATHOLIC BISHOP AMONGST THE NEW COMMISSIONERS, that Catholic Bishop will of course know every Regular in his diocese, and IT WILL BE HIS DUTY under the Act TO GET POSSESSION OF THE FUNDS, OF EVERY KINDS, OF SUCH REGULARS, and to apply the same . . . to charitable purposes recognised by our law.

"This is a fearful state of things to contemplate, and it strikes me that the prelates, clergy, and people should combine to repudiate this new Act, and to join in one universal and manly call on the Government,"<sup>2</sup> &c., &c., &c.

<sup>1</sup> The whole document is of so strange a character that it is hardly worth while directing attention to the confusion of ideas in this paragraph.

He first makes the case of a member of a Religious Order, previous to the passing of the Act of 1844, taking a gift "*for charitable purposes.*" He then contrasts with this the case of a member of a Religious Order, after the passing of the Act of 1844, taking a gift "*for the support of the Order.*" The gift in the former case, he says, is valid, the gift in the latter case, invalid.

It is impossible to suppose that O'Connell did not see that the essential difference between the two cases lies, not in the fact that there is question, in one case, of the time *before the passing of the Act of 1844*, and, in the other, of the time *subsequent to the passing of the Act*, but in the fact that the purposes of the gifts in the two cases, are, from the legal point of view, of an essentially different character. In the first case, the gift is supposed to be for "*charitable,*" and therefore lawful, purposes: whilst, in the second case, the gift is for the support of a Religious Order—a purpose rendered unlawful, not at all by the Act of 1844, but by those very clauses of the Act of 1829, through which O'Connell himself had so ostentatiously boasted that he could "*drive a coach-and-six, three times told.*" (See I. E. RECORD, June, 1895, pages 494, 495.)

<sup>2</sup> See *The Freeman's Journal*, December 5th, 1844.

This disquieting statement, so pointedly implying that there was a vast range of religious interests which the Bishops had altogether overlooked when considering their position in reference to the new Act, was at once communicated to the Archbishop, Dr. Murray, by a representative member of one of the communities of Regular Clergy in Dublin.

As regards O'Connell's statement that any new disability had been imposed upon the Regular Clergy by the Bequests' Act,—whether as affecting bequests to “a single Regular,”<sup>1</sup> or as affecting bequests to any number of Regulars conjointly,—the Archbishop might almost have contented himself with pointing out that the statement was, on the face of it, at variance with the words of the Act. The Act, no doubt, provided<sup>2</sup> that nothing contained in it was to be taken as in any way repealing the penal clauses of the Act of 1829. But, under this head, it did nothing more. It simply left matters as they were. Then, in addition, there was the express enactment in the 22nd section, that,—with the single exception of the bequests and other gifts affected by the “three months” clause,<sup>3</sup> which, of course, had no special reference to the Religious Orders,—no bequest or other gift that would otherwise have been valid, was to be rendered invalid by anything contained in this Act.<sup>4</sup>

It would not, however, have been so very easy for any one who was not a lawyer, to displace O'Connell's further and more serious allegation, that, as a matter of legal construction, it would be the duty of the Commissioners, including the Catholic members of the Board,—even Bishops who might become members of it,—“to take away from the Regulars their property, of every kind, and apply it to other purposes.” Even though there were no new penal clauses against the Regular Clergy in the new Act, the penal clauses in the Act of 1829 were still in force. Might it not

<sup>1</sup> See *ante*, pages 980, 981.

<sup>2</sup> See I. E. RECORD, October, 1895, page 889.

<sup>3</sup> *Ibid.*, pages 889-892.

<sup>4</sup> *Ibid.*, page 893.

be that, as O'Connell so emphatically proclaimed, it would be the duty of the Catholic Commissioners to put those clauses in force, and so become instruments of the Government in the sacrilegious work of despoiling the Religious Orders of all their property?

The Archbishop, placed by this second Opinion of O'Connell's in a position of extreme embarrassment, at once took the prudent and practical step of obtaining an interview with the Lord Lieutenant, Lord Heytesbury, and the Chief Secretary, Lord Eliot, in reference to the grave difficulty that had been raised.

The result was eminently satisfactory. In addition to expressing their personal belief that O'Connell's exposition of the law, in this respect, was altogether erroneous, the Lord Lieutenant and the Chief Secretary assured the Archbishop that nothing could have been farther from the intentions of the Ministry than to interfere in any way with the position of the Regular Clergy as it existed before the passing of the recent Act. Not being themselves lawyers, they could only undertake that, before any further steps were taken to bring the Act into operation, a "case" would be made out, and submitted to the Law Officers of the Crown. Should it be found that there was anything in the Act to justify the alarm raised by O'Connell, a legal remedy would at once be applied.

All this was promptly made known by the Archbishop to the representatives of the Religious Orders in a letter that was at once published in the newspapers. But O'Connell was not very easily silenced. His comment upon what had occurred was characteristic. Speaking at a public meeting in Dublin, on the day on which the Archbishop's letter was published, he turned the whole incident into ridicule, and jeered at the Lord Lieutenant and Chief Secretary because they had not themselves undertaken on the spot to give a legal opinion in opposition to his. He said:—

"There is one thing clear about it, that Lord Heytesbury and Lord Eliot don't know what they themselves have done. For

when the Archbishop begs to ask if my opinion be right or wrong, they say they will ask some person else about it. It is really ludicrous. They (!) have passed this Act of Parliament, yet they don't know its meaning. They are stuffing it down our throats without themselves knowing what it means; and they are obliged to call upon other wiseacres to tell them what they themselves have been doing (hear, hear.)

" 'What are you doing there, Tom?' 'Nothing, please your honour.' 'What are you doing there, Harry?' 'Helping Tom, sir' (laughter). 'Lord Eliot—Why have the Parliament passed this measure?' 'Oh, I know nothing about it.' 'Who advised you?' 'The Attorney-General.' 'What does he say?' 'He knows nothing about it' (laughter).

"It is very curious, to be sure, that they did not know . . . whether the Bill had a tendency to injure the Regular Clergy or not (hear, hear). *How little adapted is Dr. Murray to contend against men of this description* (hear, hear)."<sup>1</sup>

The meetings continued. From day to day, O'Connell became more and more emphatic in the assertion of his view that if the Act was allowed to come into operation, the necessary result would be the confiscation of all the property of all the Regular Clergy in Ireland: the duty of effecting this confiscation was imposed by the Act on the new Commissioners: the Catholic Commissioners, Bishops as some of them might be, would have no loophole of escape: all would be bound by law to have a hand in the work of spoliation.

About this time, some one, apparently a priest, wrote to one of the newspapers, questioning the accuracy of O'Connell's reading of the Act, and calling attention to the fact that the words used in the Act in reference to the Commissioners suing for the recovery of "misapplied" charitable funds were, not "must," or "shall" sue, but only "may" sue.<sup>2</sup>

In one of his next speeches, O'Connell administered a vigorous chastisement to his amateur legal critic:—

"The Catholic Commissioners will be *bound* to discharge this duty.

"It has been rather sillily suggested that it is not imperative,

<sup>1</sup> See *The Freeman's Journal*, December 7th, 1844.

<sup>2</sup> See I. E. RECORD, October, 1895, page 887.

. . . inasmuch as the word of the Statute is 'may' and not 'must' . . . There never was a more foolish mistake. The word 'may' is *potential* there, not *optional* (hear, hear).

"The youngest lawyer in the Hall, if he knows anything at all of his profession, knows this . . . If clerical gentlemen, instead of writing in the newspapers upon law questions which they do not understand (how could they?), were to take the opinion of any lawyer of standing, he would inform them . . .

"*I will pledge my professional character that this is sound law . . . The friars must inevitably be robbed and plundered.*"<sup>1</sup>

As meeting after meeting was held in Dublin, the Archbishop's position became more and more embarrassing. The avowed object of the meetings being to save from destruction those religious interests which O'Connell persisted in representing the Archbishop as prepared to sacrifice, it was inevitable that many of the speeches that were delivered should be sadly wanting in respect towards the venerable Prelate. To add still more to the embarrassment of the situation, one of the three Bishops who, after the meeting in November, had consented to become members of the new Board now withdrew his consent. Convinced though he was that the objections to the Act were groundless,<sup>2</sup> he shrank from bearing up against the storm of opposition that was being raised against everyone who was supposed to have given any countenance to the unpopular measure. But Dr. Murray, with unflinching steadfastness, held his ground. So too did the Primate. And the Bishop (Denvir) of Down and Connor consented to take the place of the Bishop who had withdrawn.

On the 18th of December, the appointments of the Commissioners were officially published. Next day, at a meeting of "the Catholic inhabitants of the united parishes of St. Mary, St. Thomas, and St. George," held in the old Church of the Dominican Fathers in Denmark-street,

<sup>1</sup> See *The Freeman's Journal*, 18th December, 1844.

<sup>2</sup> See his statement referred to in *The Freeman's Journal*, December 12th, 1844.

O'Connell referred as follows to the appointment of the three Bishops as Commissioners :—

“ I solemnly declare my conscientious conviction, that a more unhappy event—an event *more pregnant with danger to the purity of Catholicity in this country*—more injurious to its full flow of charitable benevolence, more calculated to put us in the power of bitter and insulting enemies . . . could not occur.”<sup>1</sup>

A considerable portion of O'Connell's speech on this occasion assumed,—in accordance with the extraordinary statement in his first Opinion,<sup>2</sup>—that every charitable bequest and gift in Ireland was to pass through the hands of the Commissioners ! Thus he said :—

“ Before this Bill was passed, the Catholics were in the habit of giving large sums in charitable donations and bequests. . . . There may be a repression of charity caused by it. Will not any Catholic, I ask you, look about him two or three times before he gives a charitable bequest into the hands of persons the majority of whom he abominates ? *Men will not like to have their property ransacked by these Commissioners.*”<sup>3</sup>

Then, after remarking that he never took fees when professionally consulted on matters appertaining to charity,<sup>4</sup> he went on to say :—

“ If any man consults me, I may be able yet to tell him how to evade the obnoxious Commissioners, and to effectuate his charitable intentions without his bequest coming into their hands at all (loud cheers).”

Then came a repetition of the main fallacy on which he had based his appeal to public opinion throughout this second stage of the agitation :—

“ I assert as a lawyer . . . it is made a duty enforceable by indictment to look out for charities given in aid of a house like this [the Convent and Church of the Dominican Fathers], and to apply them to other charitable purposes (hear, hear). I assert that over and over again.”<sup>5</sup>

Towards the close of his speech, which covered the usual

<sup>1</sup> See *The Freeman's Journal*, December 20th, 1845.

<sup>2</sup> See ante, page 972.

<sup>3</sup> See *The Freeman's Journal*, December 20th, 1845.

<sup>4</sup> See ante, page 972, footnote 1.

<sup>5</sup> See ante, page 981.

range of topics, he took the somewhat novel line of representing the Act as an attack especially upon the Jesuits:—

“I cannot help thinking, and why should I avoid saying, that this attack is on the Jesuits (hear, hear).”

“Oh, I venerate and esteem the Jesuits—I know a greater blessing was never given to the Church of God than the Order of Jesuits. . . . The greatest benefactors to the Catholic religion have been the Jesuits, and, I repeat, I have no hesitation in saying that this Bill (*sic*) is *intended to get at their properties, and prevent them from educating the Irish people.*”

“The Protestant Archbishop of Armagh, if asked who was a friar, or who was a Jesuit, would answer he could not tell. But if Dr. Crolly or Dr. Murray were asked, they could not give a like answer. Dr. Crolly and Dr. Murray must necessarily know every Regular in their respective dioceses, and thus *there will be abundance of that information ready to hand*, the absence of which, while the old Board existed, made it impossible to render the penal clauses in the Emancipation Act operative of evil.

“This law, therefore, cannot but have a most disastrous operation on the fortunes of the Regular Clergy.”<sup>1</sup>

It should hardly be necessary to say that, previous to the formal acceptance of Commissionerships by the Primate, the Archbishop of Dublin, and the Bishop of Down and Connor, they had been officially assured, on the authority of the Opinion obtained from the Law Officers of the Crown, that O’Connell’s criticisms on the Act, formulated in his Opinion,<sup>2</sup> were utterly devoid of foundation.

The Opinion of the Law Officers was dated the 13th of December, 1844. It pointed out (1) that the only reference to the Regular Clergy in the Act is that which provides that matters are to remain *in statu quo*; <sup>3</sup> (2) that, furthermore, there is a distinct enactment in the 22nd section, expressly excluding<sup>4</sup> any such interpretation as that put upon the Act, in this respect, by O’Connell; and (3) that the Act in no way imposes on the Commissioners any such duty as that described by O’Connell,—the duty of putting the law in motion, as alleged in his Opinion, so as to divert to other

<sup>1</sup> See *The Freeman’s Journal*, December 20th, 1845.

<sup>2</sup> See *ante*, pages 980, 981.

<sup>3</sup> See I. E. RECORD, October, 1895, page 889.

<sup>4</sup> *Ibid.*, page 893.

purposes any bequests or other gifts intended for the Regular Clergy, or to interfere with their property in any way.

This Opinion of the Law Officers of the Crown was published in the Dublin newspapers of the 20th of December. O'Connell left Dublin that day for the Christmas holidays. For the time at all events, he allowed this flat contradiction of his sensational statements about the Act to pass without a word of challenge.

On Christmas Eve, a strikingly beautiful Pastoral Letter from the Archbishop was published in Dublin. In this letter, Dr. Murray spoke of the inexpressible pain with which he viewed the dissensions that had arisen. For his own part, his course was plain. He had but to obey the voice of conscience, which warned him that it would be "a gross dereliction of pastoral duty" if he were "to fling away, through any human respect," the opportunity which the recent Act, imperfect though it was, had placed within his reach, of doing something towards guarding in safety "the treasury of the poor." Then, after explaining in detail the various provisions of the Act, he protested with indignation against the statements that had been made as to the duties alleged to be imposed upon the Commissioners in reference to the property of the Religious Orders:—

"But is it not true that the Commissioners . . . even Bishops, if they should accept that office, would be bound, in virtue of that office, to carry into effect . . . a penal law against the Religious Orders? No. Their office does not even invest them with any such odious power.

"God forbid that any Bishop, or any one deserving the name of Catholic, would accept the degrading office of carrying into effect a penal law against those venerated labourers in the sacred ministry who discharge with edification all the duties of virtuous citizens, and whose only crime in the eye of the law is that they bind themselves by vow to aspire to the practice of the most exalted virtue, by the faithful observance of the evangelical counsels in addition to that of the ordinary precepts of the Divine Law."<sup>1</sup>

<sup>1</sup> See *The Freeman's Journal*, December 26th, 1844.



Again, after referring to the advantages secured by the Act, sufficient, at all events, to outweigh its imperfections and drawbacks, he continued :—

“And yet . . . denunciations of the most awful nature have been poured out unsparingly against those who, without any hope of earthly remuneration, . . . undertake the task of carrying into effect the beneficent objects which it contemplates.

“Let us hope that more attentive reflection on the nature of their office will gradually dissipate the prejudices which exist most undeservedly against it. But should this not be the case ; should those who, at the expense of time and labour, undertake this work of mercy be made the objects of ungenerous vituperation, . . . conscious that in this respect they have nothing in view but the interests of that holy religion for the safety of which they would be ready to sacrifice their lives, they will calmly look up to the Great Searcher of hearts, who knows the purity of their intentions, and confiding in His merciful guidance they will pursue their onward course, cheered by the reflection that He who ‘went about, doing good’—He whose life was one continued series of the most exalted benevolence—did not escape the breath of calumny. ‘The servant is not greater than his master.’”<sup>1</sup>

It was now universally recognised that a critical point in the agitation had been reached. O’Connell plainly could not afford to allow matters to remain in the position in which they stood. At one side, he had to face the direct contradiction given to his exposition of the Act by the Law Officers of the Crown. At another, he was confronted by the dignified rebuke of the Archbishop. Both as a lawyer and as a Catholic, he was now called upon to justify, in whatever way he could, the line of attack by which he had sought to undermine the working of the new Act by rendering untenable the position of the Catholics, and more especially of the three Bishops, who were members of the Board.

For a few days, there was a lull. A rumour even began to spread that O’Connell, after examining the Opinion given by the Law Officers of the Crown, had come to see that they were right in their view, and that he had been altogether mistaken. But in a few days there was published a letter

<sup>1</sup> See *The Freeman’s Journal*, December 26th, 1844.

written by him, on the 27th of December, from his home in the mountains of Kerry, to his friend Richard Barrett, the editor of *The Pilot* newspaper in Dublin. The letter referred both to the Opinion of the Law Officers and to the Archbishop's Pastoral Letter. It was as follows, the italics in its first line showing that O'Connell fully recognised the urgency of the case :—

“Announce for your *next* publication a letter addressed to the Right Reverend the Bishop of Meath on the subject of the lately published opinion of Messrs. Smith and Green [the law officers]. They are strange and fantastic opinions! Yet what is still more strange, and probably more fantastic still, is that these worthy gentlemen should be presented by Government as assistant-counsel to the Catholic Prelates of Ireland.”<sup>1</sup>

As for this singular observation,—hardly worthy of a great political leader,—it surely must have been as obvious to O'Connell as it was to the Archbishop or to any one else, that the Opinion of the Law Officers, rather than that of any other lawyers, was obtained by the Irish Government, simply as a matter of course, and in pursuance of a fixed official usage. Besides, the professional Opinion, officially obtained, of their official advisers, was the only effective guarantee that could be given in such a case. In no other way could the Government sufficiently convey to the Catholic Commissioners that, in becoming members of the Board, they stood perfectly clear of the charge brought against them by O'Connell. Plainly, no member of the Board could be arraigned before the public as committing himself, by his acceptance of a Commissionership, to a policy of plundering the Religious Orders, when the Law Officers of the Crown, officially declared,—in reply to a case officially stated to them on behalf of the Government,—that, as a matter of law, the duties of the Commissioners under the new Act were in no way concerned with the enforcement of the penal clauses of the Act of 1829.

O'Connell's letter then concluded :—

“But, on the other hand, how exquisite are the tone and temper of the Pastoral of his Grace the Archbishop of Dublin,

<sup>1</sup> See *The Freeman's Journal*, December 31st, 1844.

and how suited to the meekness and piety of the venerable writer—the Most Reverend Dr. Murray! What a pity it is that there should be found any persons—and, in particular, any barristers,—to deceive and delude in matters of law, or of fact, so estimable a character as his Grace!”<sup>1</sup>

With the publication of this brief letter, the spirits of the leaders of the opposition to the Act revived. The rumour by which they had been disheartened was now silenced by the assurance given to the public that, within a day or two, the “strange and fantastic opinions” by which the Law Officers had sought to “delude” the estimable, but simple-minded, Archbishop, would be brought to the test of legal analysis at the hands of O’Connell himself. On the 1st of January, 1845, *The Freeman’s Journal* wrote:—

“We are glad to find the *Liberator* is about to operate upon the Opinion of his learned friends T. B. C. and Co. [the Attorney and Solicitor-General]—more especially as it was industriously circulated . . . that the Opinion had quite opened his eyes to his errors, and converted him.”<sup>2</sup>

Not at all within the short interval indicated in his former letter, but still without unreasonable delay, O’Connell’s promised letter appeared. It was dated the 6th of January. The letter was at all events sufficiently long to give room for the most exhaustive treatment of the important legal topic on which O’Connell had undertaken to write, and upon which the public then awaited with intense anxiety his promised demolition of the Opinion given by the Law Officers of the Crown. But, although it occupied five columns of *The Freeman’s Journal*, and covered a wide range of topics that were of comparatively little interest, the letter, strange to say, kept absolutely clear of the one subject of engrossing interest, on which O’Connell was to have written! Lengthy as the letter was, he was unable, it seems, to find room in it for more than

<sup>1</sup> See *The Freeman’s Journal*, December 31st, 1844.

<sup>2</sup> *Ibid.*, January 1st, 1845.

the following apologetic reference to that vitally important topic:—

“Upon this subject my opinion is firm and undoubted. . . . It will be the duty, under the Act, of the Catholic Commissioners, to spoliage the property of the Regular Clergy, and to apply it to other charitable purposes.

“His Grace the Archbishop of Dublin has upon this subject preferred the opinion of Messrs. Smyth and Green to mine. *It will be my humble duty respectfully to show his Grace that the opinion of these gentlemen is either inapplicable or equivocal, or, at all events, that it is unfounded.*

“But this letter has run to such a great length that I must reserve this subject as the exclusive topic for a second letter, to follow this *without any delay whatsoever.*

“I trust that *by the next post after this letter arrives in Dublin, it will be followed by the letter on the Regular Clergy.*”<sup>1</sup>

As the further delay was but a short one, the disappointment for the moment was easily borne. But day after day passed, and the promised second letter did not arrive. Instead of it, there came only another postponement! Writing on the 10th of January—four days after his former letter,—to his friend Richard Barrett, O’Connell said:—

“I mean to postpone *for a few days* my second letter on the Bequests Act. I am tremulously alive to the apprehension that any one should conceive that my first letter was in any degree disrespectful to any of the Prelates who have accepted the Commission. I wish to postpone the second, that I may be able to apologize for, and indeed repudiate, any such meaning.”<sup>2</sup>

Seeing that no further apology or repudiation could be needed than that contained in this letter postponing the fulfilment of his repeated pledges<sup>3</sup> on the subject of the Law Officers’ Opinion, the continued non-appearance of the promised letter was, to say the least of it, suspicious. As yet, however, no suspicion seems to have been awakened as to any possible inability on O’Connell’s part to make good the ground which he had so ostentatiously, and indeed so defiantly, taken up, and which he still persisted in asserting

<sup>1</sup> See *The Freeman’s Journal*, January 11th, 1845.

<sup>2</sup> *Ibid.*, January 14th, 1845.

<sup>3</sup> See *ante*, pages 990-992.

his readiness to maintain. The public at all events could now only await,—with what patience it could command,—“for a few days” longer, the fulfilment of this third undertaking of his upon the subject.

Meanwhile, the effect of these repeated postponements began to be felt. Although the agitation was still vigorously kept up by the untiring efforts of many whose faith in O’Connell, whether as a political leader or as a lawyer, never failed, it was plain that already there was a falling-off in the confident earnestness that had previously characterized it.

The “few days” of delay, for which the public had been prepared by O’Connell’s last letter, passed by, but still the promised letter did not appear! The faith of some even of the firmest believers in his invincibility in all matters of law, now began to be shaken. After two or three weeks’ further delay, he was openly taunted, in a letter published in the Dublin newspapers, with having run away from the conflict which he had provoked.<sup>1</sup> He naturally felt called upon to take some notice of this taunt, and, after about ten days, at a meeting of the Repeal Association, on the 10th of February, he once more referred to the matter in the following extraordinary fashion:—

“I say [the Act] has considerably injured the friars, making them worse than they were before.

“*I am told . . . it does them no harm, and that lawyers’ Opinions have been given to that effect (!)*

“I had not leisure to consider that yet; but *before a week elapses*, I will have time to examine it.”<sup>2</sup>

This was sadly disheartening to those who, from day to day, and from week to week had, for over six weeks, been expecting the promised letter in which O’Connell’s opinion as to the bearing of the Act upon the Regular Orders was to be vindicated, and the opinion of the Crown lawyers demolished. The various excuses made for the successive postponements were now seen to be mere

<sup>1</sup> See *The Freeman’s Journal*, February 1st, 1845.

<sup>2</sup> *Ibid.*, February 11th, 1845.

excuses. O'Connell had not as yet found "leisure" even to "consider" the Opinion of the Law Officers! Indeed the form of his reference to their Opinion in his latest speech almost implied that he had not even read it. At all events, he now asked only for a week's further delay; and, for a week, those who were still able to put faith in his repeated assurances that something worth waiting for was forthcoming, were well content to wait.

Next day, the 11th of February, at a parochial meeting in Donnybrook, he spoke with all his usual confidence of the speedy success of his opposition to the Act. Proclaiming his belief that Dr. Murray would not continue a member of a Board, the discharge of the duties of which had been shown, he said, to be so utterly inconsistent with fidelity to Catholic principle, he expressed the further hope that the Archbishop's resignation would not be long delayed. Then, taking a bolder tone, he announced that, at Easter, he would hold in Dublin "an aggregate meeting of the Catholics of Ireland," and, he added,—

*"If the Prelates who are Commissioners do not resign before then, we will appoint delegates to proceed to Rome to place before the Holy Pontiff, who is the head of the Catholic Church, a true statement of the danger to religion which this insidious Bill must create if the Catholic prelates continue to have anything to do with it."*

"Lord Ffrench and my son John will, I think, be chosen for that purpose" (cheers).

But, long before Easter, the further delay of a week, which he had asked for, when undertaking for the fourth and last time to make good his statement about the Opinion of the Law Officers as to the spoliation of the Religious Orders, had passed; and as nothing upon the subject was even then forthcoming, even his staunchest adherents could no longer resist the conclusion that, no matter how long and how patiently they might wait, O'Connell's fourth undertaking, like the three that had preceded it, would remain unfulfilled.

By this time, as the inevitable result of so many bewildering disappointments, the agitation was fast losing

even its last remnants of vitality. It is hardly necessary to add that the deputation to Rome, so confidently spoken of by O'Connell at the Donnybrook meeting, never was sent. The "aggregate meeting of the Catholics of Ireland," from which the deputation was to be accredited, never was held. Indeed, by the time that Easter—the time fixed by O'Connell for the holding of the meeting, and for the sending of the deputation to Rome—came round, it seemed to be the very general desire of those who had taken a prominent part in the agitation, that the agitation itself, and everything calculated to keep the memory of it alive, should, as speedily and as effectively as possible, be buried out of public view.

As for O'Connell, he never either attempted to make good the offensive imputations which he had cast upon the Archbishop, or had the courage to withdraw them. But his withdrawal of them was not needed. The facts of the case spoke for themselves. The new Act was soon in full operation. Before many months had passed, it was plain to all Ireland that the alleged inevitable spoliation of the Religious Orders was a myth. Their property was not plundered by the Commissioners. No one believed that it was in the least danger of being plundered. The canonical rights of the Irish Bishops were not invaded by the Commissioners. No one believed that those rights were in the least danger of being invaded. In the face of such a state of facts, it was impossible to keep up the agitation. For some little time longer, here and there throughout the country, fitful efforts were made to revive it. But the utter hopelessness of every such effort soon came to be recognised, and after one or two final convulsive struggles, the agitation, which but a few months before had seemed so full of vigour, ignominiously collapsed.

I trust to be able in the next number of the *I. E. RECORD* to bring to a close this series of papers on the Law of Charities in Ireland, by enumerating and explaining the powers with which the Commissioners of Charitable Donations and Bequests in Ireland are invested, and the

duties with which they are charged, whether under the original Act of 1844, or under the various Acts that have since been passed, in enlargement of the powers conferred upon the Commissioners by that important, and, in a sense, historic, Statute.

✱ WILLIAM J. WALSH,

*Archbishop of Dublin.*

## SHALL-AND-WILL-IANA

A FEW years ago, I wrote a series of papers for the I. E. RECORD, on the modern English use of *Shall* and *Will*.<sup>1</sup> The object of these papers was not so much to impress rules upon the memory, as to impress the idiom on the ear, by means of numerous examples chosen from standard English writers. At the same time, the examples were so classified and arranged as to suggest certain general principles, which I tried to express in the form of Rules. In this way, as it seemed to me, the student, in reading the examples, would learn the idiom by a sort of instinct, as it is usually learned by Englishmen; while he would find in the rules, the principles by which the idiom is governed.

In the preparation of these papers, my attention was arrested, from time to time, by questions closely bearing on the subject in hand, but lying somewhat outside the narrow limits to which my task was confined. As some of these questions seemed to me of great literary interest, I promised to deal with them apart, at some future time, under the title of SHALL-AND-WILL-IANA. This promise I propose to redeem in the present and two following papers.

### I. LATITUDE IN THE USE OF SHALL AND WILL

Though the use of *Shall* and *Will* is, to a large extent definitely determined, there are nevertheless many cases in which a certain latitude is allowed to the taste, and even

<sup>1</sup> Third Series, vol. xiii.



to the caprice, of each individual. I have already noticed<sup>1</sup> the latitude which is allowed in the case of indirect statement; and I would now call attention to some particular phrases, about which usage appears to be wavering and uncertain, and in which, consequently, each one is free to follow his own taste and judgment. It appears perfectly allowable to say, "*I would* gladly," or "*I should* gladly;" "*I would* willingly," or "*I should* willingly;" "*I would* like," or "*I should* like." No doubt, the strict rule would seem to require the use of *should*, in cases such as these; because our feelings of preference, of gladness, of desire, and so forth, are not supposed to be under the control of our will. But the practice of good speakers shows that it is quite legitimate to use *would*.

Some speakers may, perhaps, observe a shade of difference between the two forms, and use *would* only when they wish to be particularly emphatic. Thus to say, "*I would* willingly do it," would be as if to say, "*I would* do it, and do it willingly;" similarly, "*I would* rather do it," would convey a stronger preference than the somewhat indifferent form, "*I should* rather." But, in general, the two forms seem to be used according to the fancy of the speaker, without regard to any such fine distinctions.

The following examples will be sufficient to show that the use of *would*, in such cases, is sanctioned by the best English usage; and it will be observed that, in each example, *would* may be replaced by *should*, without any sensible change of meaning:—

Of the two, *I would rather* have to maintain that we ought to begin with believing everything that is offered to our acceptance, than that it is our duty to doubt everything.

NEWMAN.

At the present moment, *I would much rather* strengthen than weaken the hands of Her Majesty's Ministers.

MACAULAY.

*I would rather* not have anything left to me, if I must earn it by enduring much of my uncle's cough and his ugly relations.

GEORGE ELIOT.

<sup>1</sup> *Loc. cit.*, pp. 341-3.

I *would rather* see her married to a good young man whom she loves, than the mistress of a thousand palaces and coronets.

THACKERAY.

I saw in Mr. W. W.'s poetry that he had written my epitaph ; I *would rather* have written his.

BYRON.

I shall go to Bologna by Ferrara, instead of Mantua ; because I *would rather* see the cell where they caged Tasso, and where he became mad, than his own manuscripts at Modena, or the Mantuan birthplace of that harmonious plagiarist and miserable flatterer, whose cursed hexameters were drilled into me at Harrow.

BYRON.

We *would gladly* purchase equally interesting billets with ten times their weight in state papers taken at random.

MACAULAY.

To pass by many topics to which, but for the lateness of the evening, I *would willingly* advert, let me remind the House that the question before us is not a positive question, but a question of comparison.

MACAULAY.

The main subject of our future correspondence is so weighty, that I *would willingly* keep it wholly distinct from the hasty letter which I am now obliged to write.

DE QUINCEY.

There are some women to whom I *would be very unwilling* to give pain.

THACKERAY.

The more I see of the stage, the less I *would wish* to have anything to do with it.

BYRON.

But, Sir, an imputation of fraud has been thrown on the Unitarians ; not, indeed, here, but in many other places, and in one place of which I *would always wish* to speak with respect.

MACAULAY.

I *would hardly like* to see a musket on that little shoulder, or a wound on that pretty face.

THACKERAY.

Not that I *would wish*, for a moment, to insinuate that any nobleman is equal to an English nobleman.

THACKERAY.

Upon the last objection I *would wish* to say a word.

DE QUINCEY.

There is an embarrassing difference of usage with respect to the phrases, "*It would seem*," "*It should seem*." The authority of good English writers may be cited in favour of both ; but while the greater number, apparently, show a preference for the former, the latter seems to have a strange fascination for Lord Macaulay. Dean Alford tries to make out that there is a difference of meaning between the two forms of expression. According to him, if I say, "*It would seem*," I thereby imply that the statement in question is supported by satisfactory evidence. But if I say, "*It should seem*," there is a tinge of irony, as if I said, "We are expected to believe."<sup>1</sup>

Whatever may be thought of this distinction in theory, it is not observed in practice by the best writers ; and it is distinctly refuted by the passages cited below. Macaulay constantly uses *should* when he wants to convey that he himself accepts the evidence in favour of the opinion expressed ; and the practice of Macaulay is plainly supported by the authority of Byron. I think then it is better to say that, according to modern practice, we are free to use one form or the other, according to our own individual taste or fancy.

*It should seem* that a full half of Johnson's life, during about sixteen years, was passed under the roof of the Thrales.

MACAULAY.

*It should seem* that Bunyan was finally relieved from the internal sufferings which had embittered his life, by sharp persecution from without.

MACAULAY.

*It should seem* that the sagacious and versatile Shaftesbury ought to have foreseen the coming change.

MACAULAY.

*It should seem* that no transactions in history ought to be more accurately known to us than those which took place round the deathbed of Charles the Second.

MACAULAY.

The amendment was adopted, *it should seem*, with scarcely any debate, and without a division.

MACAULAY.

<sup>1</sup> *The Queen's English*, p. 161.

Chatham, *it should seem*, ought to have taken the same side.

MACAULAY.

There is always some row or other previously to all our publications; *it should seem* that, on approximating, we can never quite get over the natural antipathy of author and bookseller. and that more particularly the ferine nature of the latter must break forth.

BYRON, Letter to John Murray.

"*Would* you be surprised to hear?" or "*Should* you be surprised to hear?" Which of these two forms is correct? Here, again, the principle on which the modern use of *Shall* and *Will* is based, would require *should*. It is not an invitation, or a request, but simply an inquiry as to a fact not under the control of the will. The person addressed cannot use *would* in his answer: he must say, "*I should* be surprised," or, "*I should* not be surprised;" and so, in putting the question, it would seem, we ought to say, "*Should* you be surprised?" But, in dealing with language, the finest reasoning must give way to usage; and usage, in this case, appears to allow equally of both forms.

It may be remembered that this mode of interrogation came into great prominence at the time of the famous Tichborne trial. In his cross-examination of the Claimant, the late Lord Coleridge, who was then Attorney-General, put the question several times a day, for several days in succession. Some time ago, I looked up the report of the trial, in *The Times* newspaper, and I found that Lord Coleridge was represented as having, in the course of three days, used the form, "*Should* you be surprised?" four times, and the form "*Would* you be surprised?" seven times; nor could I observe that any difference of meaning was implied between the two forms.

It was suggested to me, however, that perhaps the reporter was an Irishman, or a Scotchman; and that he, and not Lord Coleridge, was responsible for this apparently indiscriminate use of *should* and *would*. I, therefore, ventured to write to Lord Coleridge, enclosing a copy of the report, and asking him kindly to answer these three questions: (1) Was he rightly reported? (2) Did he now

consider that the use of the two phrases, as found in the report, was correct? and (3) Did he think there was any difference of meaning between the two forms? In a few days I received the following interesting letter:—

“HEATH’S COURT,

“OTTERY, ST. MARY,

“DEVON, 8th June, 1892.

“DEAR SIR,—Your letter and the paper which came with it have interested me extremely. I wish I could help you with anything substantial or, still more, authoritative; but I have no claim whatever to be an authority, and I have often been exceedingly puzzled myself, as to what rule to lay down. I trust to the instinct of the moment; and having been brought up among a people who have the same instincts as I have, I dare say I appear to them, and therefore to myself, to speak correctly. But I was never taught any rule, and I cannot pretend to give one to anyone else. As to ‘Would you be surprised?’ and ‘Should you be surprised?’ I should say that both are equally and absolutely correct; although to say, ‘*I would be surprised,*’ is, I think, imperfect English. But if you ask me why, I am afraid I can go no further than that I *feel* it to be so. I wish I could be of more use to you, and I thank you for your letter.

“Your very faithful servant,

“COLERIDGE.”

It will be observed that Lord Coleridge does not explicitly answer my three questions; but he states very distinctly that both phrases are “equally and absolutely correct;” and he seems to imply, at least, that there is no difference of meaning between them. I need hardly say that Lord Coleridge was generally regarded, at the bar and in literary society, not only as a fine English scholar, but also as a speaker of almost punctilious accuracy; and with his authority before us, we can hardly doubt that each of the two forms which he so emphatically approves, is good and idiomatic English.

Nevertheless, I was anxious to test his opinion by that of other authorities; and accordingly I consulted two distinguished scholars, who have devoted a great deal of time to the study of the English language, and who have lived, for the greater part of their lives, in England, the one in

London, the other in Oxford. I submitted to each of them, quite independently of the other, the two phrases,

(a) Should you be surprised to hear?

(b) Would you be surprised to hear?

and I asked them, in view of the modern English idiom, to answer the following questions, Yes or No: (1) Is the form (a) correct? (2) Is the form (a) preferable to the form (b)? (3) Is the form (b) wrong?

My correspondents answered thus. First correspondent: Is (a) correct? Yes. Is (a) preferable to (b)? Yes. Is (b) wrong? Yes; because surprise is not under the control of the will. Second correspondent: Is (a) correct? Yes. Is (a) preferable to (b)? Yes. Is (b) wrong? Yes; at least according to the most modern usage. But I should say that, "Would you like to hear my story?" is correct, because an element of willing pleasure is involved, which is absent in (a) and (b).

From these answers, compared with Lord Coleridge's letter, it is plain that the modern English use of *Shall* and *Will*, is not quite so fixed and immutable among Englishmen, as it is often supposed to be. As regards the particular case before us, I may say that my own sympathies are entirely in favour of the views expressed by my last two correspondents; but no one can be accused of violating English idiom who follows the practice of Lord Coleridge.

## II. WHEN WAS THE PRESENT IDIOM ESTABLISHED?

The present English use of *Shall* and *Will* was not suddenly introduced, at any one particular epoch in English literature, but was the result of a slow and gradual development. In old English, the verb *shall* meant to *owe*, as, for instance, in Chaucer, who says, "The faith I *shall* to God;" that is, the faith I *owe* to God. Hence when it began to be used as an auxiliary, it suggested the idea of something that was *due*, something that was *bound to happen*; and so, in course of time, it came to be adopted as the ordinary sign of the future tense, in all persons. *Will*, on the other hand, denoted volition; and as the present will of the agent is commonly followed by the act he wills to do, *will* likewise came to be used as an auxiliary for the future tense.

It is important, however, to note that, in point of time, *shall* preceded *will* as a future auxiliary; and it was thus, for a period, the only future auxiliary, while *will* still continued to be used as an independent verb. This stage of the idiom is well exhibited in Wycliffe's translation of the Bible, which was first brought out in the year 1380. In this translation, Wycliffe habitually uses *shall* as the auxiliary of the future tense; whereas he uses *will* mainly, if not exclusively, as an independent verb, to express the idea of volition. Any one can test this matter for himself, by comparing Wycliffe's translation with the Vulgate Version, from which it was made. He will find that Wycliffe invariably translates the Latin futures by *shall*, and the conditionals by *should*; while he uses *will* and *would* in translating the various tenses of the Latin *Volo*. I subjoin a few examples, by way of illustration.<sup>1</sup>

No man may serve two lords; for either he *shall* hate the one, and love the other [*unum odio habebit, et alterum diliget*], or he *shall* sustain the one, and despise the other [*unum sustinebit, et alterum contemnet*].

MATTH. vi. 24.

If ye forgive to men their sins, your heavenly Father *shall* forgive to you [*dimitet et vobis*] your trespasses. But if ye forgive not to men, neither your Father *shall* forgive to you [*dimittet vobis*] your trespasses.

MATTH. vi. 14, 15.

No man putteth new wine into old bottles, else the wine *shall* burst the bottles [*dirumpet vinum utres*]; and the wine *shall* be shed out [*vinum effundetur*], and the bottles *shall* perish [*utres peribunt*].

MARK ii. 22.

When the eventide is come, ye say, It *shall* be clear [*serenum erit*], for heaven is ruddy.

MATTH. xvi. 2.

And he prayed Jesus much, that he *should* not put him out of the country [*ne se expelleret extra regionem*].

MARK v. 10.

<sup>1</sup> In quoting from Wycliffe's Bible, I have adopted the modern spelling and the modern punctuation; I have also, now and again, substituted a modern word for one that is obsolete; but I have made no other change in the text.

All these things I *shall* give to thee [hæc omnia tibi *dabo*], if thou fall down and worship me.

MATTH. iv. 9.

Every man that *shall* acknowledge me before men [omnis qui *confitebitur* me coram hominibus], I *shall* acknowledge him [*confitebor* et ego eum] before my Father that is in heaven. But he that *shall* deny me before men [qui autem *negaverit* me coram hominibus], I *shall* deny him [*negabo* et ego eum] before my Father that is in heaven.

MATTH. x. 32, 33.

Then he saith, I *shall* turn again into my house [*revertar* in domum meam] from whence I went out.

MATTH. xii. 44.

I say to thee that thou art Peter, and on this stone I *shall* build my church [*ædificabo* ecclesiam meam]; and the gates of hell *shall* not have might against it [non *prævalebunt* adversus eam]. And to thee I *shall* give the keys [tibi *dabo* claves] of the kingdom of heaven; and whatever thou *shalt* bind [quodcumque *ligaveris*] on earth, *shall* be bound also [*erit* ligatum] in heaven; and whatever thou *shalt* unbind [quodcumque *solveris*] on earth, *shall* be unbound also [*erit* solutum] in heaven.

MATTH. xvi. 18, 19.

Whoever *will* be made greater [*voluerit* fieri major], *shall* be your minister [*erit* vester minister]; and whoever *will* be the first among you [*voluerit* in vobis primus esse], *shall* be the servant of all [*erit* omnium servus].

MARK x. 43, 44.

I *will* not leave them fasting [dimittere eos jejunos *nolo*], lest they fail in the way.

MATTH. xv. 32.

Take thou that that is thine and go; for I *will* give to this last man as to thee [*volo* autem et huic novissimo dare sicut et tibi].

MATTH. xx. 14.

If any *will* come after me [si quis *vult* post me venire], deny he himself; . . . for he that *will* make his life safe [*voluerit* animam suam salvam facere], *shall* lose it [*perdit* illam]; and he that loseth his life for me, *shall* make it safe [*salvam faciet* illam].

LUKE ix. 23, 24.

If ye knew what it is, I *will* have mercy [*misericordiam volo*], and not sacrifice; ye *should* never have condemned innocents [nunquam *condemnassetis* innocentes].

MATTH. xii. 7.

Here we have, I think, a well-defined stage in the history of *Shall* and *Will*; a stage, at which the idiom was extremely



simple, and widely different from that of the present day. *Shall* was the auxiliary of the future tense in all persons, and apparently the only future auxiliary; *should* was the auxiliary for the conditional; *will* and *would* were not used as auxiliaries, but were used, in their primitive sense, as independent verbs, to express volition.

I would call attention, in particular, to two of the passages cited from St. Matthew's Gospel, x. 32, 33, and xvi. 18, 19. The Latin future is here translated by *shall*, quite indifferently whether it is in the first, second, or third person. In modern versions, on the other hand, the future is translated by *will*, where it occurs in the first person, and by *shall* where it occurs in the second or third person. Thus, for example, the Authorized Version: "Upon this rock *I will* build my church; and *the gates of hell shall* not prevail against it. And *I will* give unto thee the keys of the kingdom of heaven; and whatsoever *thou shalt* bind on earth *shall* be bound in heaven." And again: "*Whosoever shall* confess Me before men, him *will* I confess also before My Father which is in heaven. But *whosoever shall* deny Me before men, him *will* I also deny before My Father which is in heaven."

The passage from the same Gospel, xx. 14, "*I will* give to this last man as to thee," is also deserving of special notice. If we read the text by the light of the modern idiom, we cannot tell whether *will* is here used as an auxiliary or as a principal verb; and the passage, accordingly, loses more than half its significance. But there was no such uncertainty for the readers of Wycliffe's Bible. "*I will* give," with him, always means, *volo dare*; if he wanted to express futurity, *dabo*, he would have said, *I shall* give. I may note, in passing, that the Protestant Revisers of the present century were alive to the ambiguity arising from the change of idiom. The Authorized Version, following Wycliffe's translation, renders the passage thus: "*I will* give unto this last even as unto thee;" and the Revisers have changed it into: "*It is my will* to give unto this last even as unto thee."

If we pass over two centuries, and come down to the Elizabethan age of English literature, we find that a great change has taken place in the use of *Will* and *Shall*. *Will* is now fully installed as a future auxiliary, and *shall* has received a special significance, when used in the second and third persons. It may be said indeed, speaking generally, that the use of *Shall* and *Will*, among the Elizabethan writers, agrees with the modern English idiom, in its most essential features. In support of this view, I would refer more particularly to Shakespeare, Ben Jonson, Massinger, Beaumont and Fletcher, Hooker and Bacon, who furnish abundant examples of the following main characteristics of the present English idiom :—

(1) When the future event depends on the will of the speaker, these writers generally use *will* in the first person, but sometimes *shall*, just as Englishmen do at the present day ;

(2) When the future event is independent of the speaker's will, they always use *shall* in the first person ;

(3) In the second and third persons, they commonly use *will*, and not *shall*, to express the idea of simple futurity ;

(4) They use *shall* in the second and third persons, to express a command, a threat, a promise, or, in general, to express a future event determined by the will of the speaker ;

(5) They always say, *Shall I ? Shall we ?* not, *Will I ? Will we ?* as is so common amongst the Irish and the Scotch of modern times.

But while these writers, and others of the same period, thus exhibit the leading features of the modern English idiom, it is not difficult to find traces amongst them of the older idiom, in which *shall* was used simply to express futurity, in all persons alike. As this is a point of some literary interest, I propose to support my opinion by a few examples. In Shakespeare, when Macbeth is struck with terror at the sight of Banquo's ghost, Lady Macbeth thus addresses her husband's guests :—

“ The fit is momentary ; upon a thought  
He will again be well ; if you note him  
You *shall* offend him and extend his passion.”

Again, Richard the Third, the night before the battle of Bosworth, thus laments his unhappy condition :—

“ There is no creature loves me ;  
And if I die, no soul *shall* pity me.”

In these passages, it is not intended to express any compulsion exercised by the speaker ; the idea conveyed is that of simple futurity : You *are likely* to offend him, *It is certain* that no man will pity me. Hence, in modern English we should say : You *will* offend him, No man *will* pity me. Another interesting example of the same usage occurs in *King Lear*, when Edgar, disguised as a fool, offers his arm to Gloucester, to conduct him to the cliff. “ Give me thy arm ; poor Tom *shall* lead thee.” We should now say, “ Poor Tom *will* lead thee.”

Again, in *The Merchant of Venice*, Nerissa says to Portia : “ If he should offer to chose, and choose the right casket, you *should* refuse to perform your father’s will, if you should refuse to accept him.” The meaning plainly is, “ If you should refuse to accept the man who choses the right casket, you would thereby refuse to carry out your father’s will.” It is a case, therefore, of simple futurity, and not of compulsion arising from the speaker’s will. Hence a modern Englishman would say, “ You *would* refuse to carry out your father’s will.”

Sir Edmund Head, in his book on *Shall and Will*, says that he is “ wholly unable to explain the use of *should* in this passage.”<sup>1</sup> But the difficulty is entirely of his own creation. He seems determined to maintain that Shakespeare always uses *shall* and *will* in accordance with the modern idiom ; and he is naturally embarrassed when he comes across a passage like this, which is at variance with the modern idiom.

Bacon, in his Essay on Adversity, says, “ Even in the Old Testament, if you listen to David’s harp, you *shall* hear as many hearse-like airs as carols.” Again, in his Essay on Travel, after suggesting that when young men go abroad, each one should take with him a tutor who understands the

<sup>1</sup> Page 24.

language of the country to which he is going, he adds, "for else they *shall* go hooded [blindfold] and look abroad little." This is evidently a survival of the old idiom. The writer wishes to state simply what he anticipates will be the future result, if his advice is neglected; in modern English, we should therefore say, "They *will* go hooded."

In the same Essay, Bacon advises travellers to make the acquaintance of ambassadors and secretaries, in the countries they visit; "for so," he says, "they *shall* suck the experience of many." This is not a command or direction, but simply a statement of the future fact. Therefore here, again, a modern Englishman would use *will*, and say, "They *will* suck the experience of many."

Once more, Hooker says, "He that goeth about to persuade a multitude, that they are not so well governed as they ought to be, *shall* never want attentive and favourable hearers." A writer of our time would say, "He *will* never want attentive hearers," the idea being simply to announce the future fact. "He *shall* never want attentive hearers," would be a promise, in the modern idiom, and would mean, "I will take care and provide him with hearers."

From these examples, and others of a like kind which it would be tiresome to quote, I am led to conclude that the use of *shall*, as the sign of simple futurity in all persons, was not uncommon among writers of the Elizabethan age; and hence, I think, we may fix on this age as the time of transition from the old to the modern idiom. The new idiom, as we have seen, had already come in, but the old had not quite gone out; and the two, for a period, existed together side by side.

In connection with this subject, it is interesting to observe that the first evidence of any Rules on the use of *Shall* and *Will*, is to be found in the *Grammatica Linguae Anglicanae* of Dr. John Wallis, of Oxford, published in 1653. "As I am not acquainted," he writes, "with any former rules for the use of *Shall* and *Will*, I have deemed it proper to subjoin the following: whoever observes them will commit no blunder on the subject. In the first person,

singular and plural, *shall* simply foretells ; *will*, as it were, promises or threatens. But in the second and third persons, singular and plural, *shall* is the language of promising or threatening, *will* simply of foretelling."

These rules, so far as they go, express very tersely and accurately the modern idiom ; and they have found their way, in one form or another, into the principal grammars of modern times. We may, therefore, infer that the present use of *shall* and *will*, in its leading features at least, had become the settled idiom of the language, and was recognised and enforced by grammarians, about the middle of the seventeenth century.

I would observe, however, that the rules of Dr. Wallis, excellent as they are in substance, and well expressed in language, are not quite so comprehensive as he believed them to be. It was too much to say, that " whoever observes them will commit no blunder on the subject." In fact, they deal only with the first elements of the question, the case of Direct Statement. They give no guidance as regards Indirect Statement, or Interrogative forms, or the Prophetic use of *shall*.

G. M.

## THE CONVERSION OF ENGLAND

**A**MONGST earnest Catholics of the present day there is no question more frequently asked, than, Will England return to the ancient faith ? Will she again be embraced in the one fold, in the one true Church of God ? This anxiety about the future welfare of England seems to be uppermost in the minds of religiously-minded men—men who are zealous for God's glory and the salvation of immortal souls. There are many causes for such a feeling as this. We look abroad over the face of the land, and find grand monuments of its ancient faith, monuments which tell us of her by-gone Catholic glories ; minsters and abbeys, as grand as those of

any country in Europe, remind us of what England once was. The English people have a great deal of natural virtue. They are especially fond of works of charity, and charity covereth a multitude of sins. This is very remarkable, considering that they have been neglected to such an extent; for they have been like sheep without a shepherd; their parsons were never considered by them as the dispensers of the mysteries of grace.

Another cause for such a feeling is the temporal greatness of England; England has great resources, and her influence is felt in almost every corner of the earth. Her own population and that of her foreign possessions is very great indeed; and nearly all are outside the fold of the Church. The zealous lover of souls, seeing all this, considers that it would be a glorious thing if she could be converted to the true faith of Christ. The present is a critical time for the Catholic Church in England. The Establishment is fast going to pieces; men have long since disbelieved in it; and, with disbelief in the Protestant faith, rationalism in various shapes has gained ground. The reason of this is, because Englishmen have been taught Protestantism: they have been told that it was true; but, with the advance of education, they have found it to be false; and they say to themselves, that if this religion, which they were taught from their youth, is false, there is no reason why the others which exist should be any better. On this account they reject every definite form of religion, but hold fast to a belief in God. Men have deceived us, they say; let us place no more confidence in them: but God is true; let us, therefore, acknowledge Him alone; and, since God is everywhere, we can worship Him at home just as well as in any other place; and, therefore, need not care about church or chapel.

This reasoning is illogical; but it is, nevertheless, the reasoning of the masses of the English people of to-day. They either question or entirely reject the great truths of Christianity, but they have a sincere belief in the existence of God; atheists are, as they ever were, the exception, and the English people have no love for them.

In this paper we propose to examine the state of religious feeling at present in England ; the best means of converting the people to the Catholic faith ; and the principal difficulties that stand in the way of such a project. For the sake of clearness we shall be as brief as possible. There are so many different conflicting sects, that it is difficult to give any fair idea of the state of religion in England. A large proportion of the people seem to think that every man has a right to his own opinion. England is a free country. Judging from the churches which we see in the large towns, the great bulk of the population seems to be either Protestants, Catholics, or Wesleyans. Among Wesleyans we include Congregationalists, because they seem to agree in almost everything, and differ only in the management of their church affairs. The Established Church is divided into High, Low, and Broad, all believing and teaching what pleases their fancy. Their ministers wisely abstain from teaching definite dogmas ; they find this prudent, for what would please some would be almost certain to provoke the wrath of others. The High Church, especially the Ritualistic portion of it, is striving to adopt Catholic practices, and is getting ashamed of Protestantism. Devout ritualistic ladies will sometimes tell you that they hate it : you know, they say, we are Catholics like yourself ; but we do not admit the Infallibility of the Pope. The Low Church embraces those who have adhered to the strict doctrines of the reformers ; their prejudices against our holy faith are just as strong as ever ; some of them, at least, would, if they could, sweep away all " Popish priests " from every sod of English soil. These sturdy sons of the reformers are fast dying out. The Broad Church steers between the High and Low, to suit the cranks of both. The Wesleyans, who are a strong body in England, seem to have one, and only one dogma—viz., to believe in the Lord. Believe in the Lord, and you shall be saved. It seems that, at the time that Wesley began his career, the poor of the Established Church were entirely neglected, and there were very rationalistic notions among Churchmen generally. The ministers were Socinians or Unitarians, more than Christians. Wesley, taking advantage

of this state of things, began to preach, and fixed the people's attention on one great point—Christ is the Eternal Son of God ; He shed His blood for our redemption ; we are washed in His blood ; He is ready to forgive us if we repent of our sins ; let us, therefore, repent, and be saved. This is the great dogma of Wesleyanism. Mixed up with this great faith in the Redeemer, there is a good deal of the fatalism of Calvin.

The position of Catholicity is, perhaps, as good as could be expected ; it is far different from what it was fifty years ago. Churches and schools have been built, and our forces are being put into a state of organization ; but a great deal remains to be done ; leakage must be stopped, mixed marriages discouraged ; parents must be taught to watch over their children whilst they are young, and to give them good example ; and the children must be looked after when they have left school : this last point deserves the most serious consideration.

We shall now consider the best means for converting the people to the Catholic faith. In order to convert non-Catholics, we must instil into the minds of our own people the necessity of leading good lives. We ought to be by our example shining lights. Nothing influences outsiders as much as the regular attendance of Catholics at their duties. Many a convert has been made by seeing good Catholics travel long distances in wet and cold, in order to hear Mass. This creates a wonderful impression. English people must see before they believe.

The laity in their intercourse with non-Catholics must be prepared to give proof of the faith that is in them. They ought to be able to dispel the ignorance which prevails about the most important doctrines and practices of our faith. We must take every means within our power to enlighten them. If they understood the real Catholic position, there is not the slightest doubt but that vast numbers of them would be converted. To enlighten them might be an arduous task, but it is labour that would most assuredly bear much fruit. We must also show our affection for them, and assure them that in seeking to win them to the Catholic



Church we have no temporal ends in view. We must prove to them that Christ established one and only one Church, and that all are bound to belong to it. We must convince them of the superiority of the Catholic faith to all others. We must show them that ours is a better, a straiter, and a safer road to heaven than their own : that we have a better form of prayer, and a closer union with Christ. We must take every opportunity of explaining Catholic doctrine. This could be best done by distinguished preachers going round to all the large towns, and preaching in the churches or lecturing in the principal halls. Admission in either case should be free. Congregationalists and Wesleyans have a decided objection to pay anything for hearing the word of God. This is the only way to get at the masses of the people, What the Protestant people of England want is to be enlightened. They are tossed about on the waves of unbelief, like a ship which has lost its helm. They wander about, seeking rest for their weary souls ; they go from sect to sect ; they embrace every new form of error, and not finding that repose for which their souls longed, they in their despair give themselves up to Indifferentism.

But the question might be asked—How are we to get good preachers? There are no priests to spare in England ; every one is wanted for his own daily work. We would suggest that about four of the most distinguished priests from each diocese in Ireland should come and preach. Two or three could go together. They could do their work on week nights just as well as on Sundays. Spending about three days in each town, they would in the space of a month or six weeks be able to give a universal mission to all England. In this way the heart of the nation would be stirred, and there is not the slightest doubt but wonderful results would follow. During the winter or early spring would be the proper time for this, because the people prefer to enjoy themselves in the open air during the fine summer nights. This plan would certainly entail inconvenience to the priests themselves, but we are sure they would willingly undergo it all. There would be also certain expenses ; but the generosity of wealthy Catholics would meet this, or

there could be a special collection for this purpose in the church a short time before the arrival of the preachers. During their stay in the towns numbers of Catholics would gladly entertain them, so that they would cause no inconvenience to the clergy of the place. If the Irish priests came, they would be doing a glorious work for their fellow-Catholics in England. They would help to break down prejudice; for it is certain that they would create a good impression on the minds of the English people; and, above all, they would be carrying out the glorious destiny of the children of St. Patrick—converting nations and winning souls to God.

We come now to a most important point, and it is, to show Protestants that their Church is not the Church of the Scripture. We must prove to them that all the dogmas of Catholicity which they deny are contained in the Bible; *v.g.*, the doctrine of Transubstantiation, the Sacrifice of the Mass, Confession, Purgatory, Extreme Unction, devotion to the Blessed Virgin, &c.

Protestants have an idea that if they read the Bible they are on the way to heaven, whether they understand it or not. The Bible is their sheet-anchor. The following little story will give an idea of their state of mind. A Protestant woman living in one of the large towns in England, paid a visit to London, and went to see a Catholic Church. The first object she said that met her eye was a very large statue of the Virgin. She was shocked at this. It seemed to confirm all her prejudices against the Catholic Church. A large statue of the Virgin, and no statue of the Saviour. She concluded from this that the Blessed Virgin was the chief object of devotion, and that the Saviour had only a secondary place. When the real state of things was explained to her, she exclaimed: "Oh! I see perfectly well we shall never agree; but it is no matter, I have got my Bible." Protestants know very little about the Bible. They are in most cases entirely ignorant of its meaning. An intelligent Catholic boy, well instructed in the Catechism, knows more about the fundamental doctrines of Christianity than many Protestant ministers. But since they are so fond of falling

back upon the Bible, it is for us to show them that they are not living in accordance with it.

Whatever plan is adopted for the conversion of England, it is certain that if we hope for great results, we must impress the truths of our holy faith upon the minds of non-Catholics. They must be convinced of God's dominion over man: that "God made us, and not we ourselves;" that man has responsibilities; that he is an intelligent being, having an immortal soul, and that to save that soul is the great object of his existence: "What doth it profit a man to gain the whole world, if he lost his soul?" The eternal truths must be preached to them. They must be reminded of death, judgment, and eternity; the evil of sin, and its consequences, must be brought home to them. We must prove to them that the Catholic Church is the one and only true Church of Christ; that all others must of necessity be false, and therefore displeasing to God. We must convince them, that heresy is a great evil, reminding their false teachers of what the Scripture says about them: "They are the enemies of the cross of Christ, whose end is destruction, and whose glory is their shame" (St. Paul, Phil.). "There shall come in among you lying teachers, who shall bring in sects of perdition, and deny the Lord, bringing on themselves swift destruction. Their judgment lingereth not, and destruction slumbereth not" (St. Peter).

In addition to all this, we must have a number of Catholics well versed in all the topics of the day, able to take their stand with the foremost men in science and literature. These men would refute false theories about science. They would rewrite history, and give historical facts instead of lies; exposing wilful error wherever it should make its appearance.

With regard to the difficulties which keep Protestants from coming into the Catholic Church, it is sad to say, that many of them have a dread of examining her claims for fear she might prove to be true, and that they would be conscientiously forced to come into her, thereby injuring their prospects in life. It is well to remember that Protestantism is a compromise between God and the world; and it is for

this reason that it is an all-important point to bring the eternal truths before them. Another difficulty is the refusal on the part of Protestants to obey any authority in religious affairs. This is a great obstacle to their conversion. They must be shown the necessity for authority, and that without it the kingdom of Christ could not stand. They must be shown that whatever authority the bishops and the Pope claim over Englishmen, that it is exercised for the good of the Church, and that they claim the same spiritual authority over all other nations of the earth. The Church is a society embracing all nations, and authority is essential for the well-being of society.

A third obstacle is the scandal which bad Catholics give. When Catholics, who claim to have the best form of religion, lead bad lives, lives out of harmony with the doctrines of their Church, the bad example given has a very bad effect. Bad Catholics, who neglect the Sacraments and Mass, who get drunk, and curse and swear, are literally rocks of scandal to the minds of Protestants.

A fourth difficulty is the custom that prevails in nearly all Catholic churches of collecting at the door, and sometimes even twice during Mass. This practice is entirely opposed to the ideas of Wesleyans and Congregationalists. After some time, it is to be hoped that, by the generosity of devout donors, this will be done away with. It does not seem to be very much in accord with the spirit of the Catholic Church.

Although we ought to use every means which human prudence might dictate for the conversion of the English nation, it is well for us to remember, that it is more of a divine than a human work; and on this account it behoves us to have recourse to fervent prayer. Perhaps there are more conversions due to the prayers of devout souls, like St. Paul of the Cross, than to any other cause. He was continually praying for the conversion of England. His biographer says: "There is no telling how many tears St. Paul of the Cross shed, how many sighs he breathed to heaven, or how many prayers he offered up to the throne of God for the restoration of England to

the Catholic faith." Offer then a prayer to the throne of mercy for this great object, that the scales may fall from their eyes, and that they may return to the fold of the Catholic Church. "Unless the Lord build the house, they labour in vain that build it. Unless the Lord keep the city, he watcheth in vain that keepeth it" (Psalm cxxvi.).

P. RYAN.

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### AT MONTE CASSINO

**A**BOUT half-way between Rome and Naples stands the celebrated Benedictine Abbey of Monte Cassino, on the top of a mountain, about three thousand feet above the level of the plain. At such a height, its immense size and solidity are very imposing, and are sure to catch the traveller's eye as he enters the Cassino station, whether from Naples or from Rome. It was founded in 529, by St. Benedict, the patriarch of the monks of the West, when circumstances drove him from Subiaco and brought him to this place. At that time, there stood upon the mountain a temple of Apollo, surrounded by its grove, in which the idolaters still continued to offer their heathen sacrifices. The man of God having, by his preaching, converted many of them to the faith, broke the idol to pieces, demolished the temple, and cut down the grove. On the ruins of this temple he built two oratories or chapels—one to St. John the Baptist, the other to St. Martin. Round these oratories rose the monastery which was to become the most powerful and celebrated in the Catholic universe, and the capital of the Monastic Order in the West. To get to it you leave the train at the Cassino station, drive about half a mile into the town, and then begin the ascent. Until 1887 there was no way of reaching the monastery unless on foot, or by riding on a donkey or a mule, which usually took about two or two and a-half hours. The way up was precipitous, and, in some places, dangerous. But, in 1887, a new carriage-way was made which, serpentine-like, winds round the mountain, giving

splendid views as you ascend, and taking in the four sides of the abbey. On the way up you pass the remains of three or four oratories, and of some crosses. The oratories are those of St. Maur, St. Scholastica, and St. Agatha. That of St. Scholastica is remarkable as being the place where St. Benedict and his sister used to meet on the occasion of her visit to him once in every year. Here it was that a little before her death, the two saints had spent the day in pious conversation, mingled with the praises of God; and when she asked him not to leave her that night, but to speak with her of the joys of heaven till the morning, and when he declined, alleging the necessity of returning to his monastery, then she bent her head between her clasped hands on the table, and prayed to God, shedding torrents of tears to such an extent, that the table was flooded with them. As she commenced her prayer the weather was serene; not a cloud was in the air; but scarcely had she raised her head than the thunders rolled, and the rains fell, and the storms blew, and Benedict and his companions could not leave the place, and the two saints passed the remainder of the night in spiritual conversation and in prayer. And when the morning came they parted on that mountain side to see each other no more; for, three days after, Benedict, being at the window of his cell, had a vision, in which he saw his sister entering heaven under the form of dove.

The next oratory we meet is that of St. Agatha, and was built to obtain, through the intercession of the saint, a cessation of the earthquakes, which, in this volcanic region, often proved so disastrous to the abbey. Having reached the top, an avenue of acacias leads to the entrance gates, on each of which are two lions in stone, emblems of Monte Cassino. Entering in, the first impression that seizes you is one of astonishment at so much magnificence on a mountain so high and so difficult of access. But, before going any further, it may be well, perhaps, to know who live in the monastery now, and what is its present state. Well, it is at present what is called a national monument—that is, it has been taken over by the Italian Government. Suppressed as a religious house; and because of its religious, historical,

and art treasures, is named one of the monuments of the country. The religious permitted to remain are considered as guardians of the place. At the same time they continue the community life, under the rule of St. Benedict, and are principally employed in the work of education. They conduct a college for the sons of respectable classes; have charge of the seminary of the diocese of Monte Cassino, and, I believe, of a reformatory school for boys—all, of course, being separate. In the college they have eighty or more of the sons of respectable families of Central Italy, principally from around Naples and Rome.

The abbot rules the whole community, and also the diocese of Monte Cassino. This diocese lies all round the abbey below, and, extending to the Abruzzi mountains, is one of the largest in Italy. It contains about thirty-seven parishes, and more than a hundred thousand people. The abbot is exempt from all episcopal jurisdiction, and subject only to the Holy See. For this reason, he takes the title of *Abbas Nullius*. He is elected by the General Chapter, composed of all the abbots of the Order. He has entire episcopal jurisdiction, and all the powers of a bishop, except those of conferring Holy Orders, consecrating churches and the holy chrism. Thus, he consecrates altars, gives the tonsure and minor orders, administers Confirmation, officiates pontifically with crozier and mitre, gives the triple solemn benediction at the conclusion of the office which he has celebrated, and wears the pectoral cross and ring. In councils, he holds the first place amongst all other abbots, by virtue of a privilege granted by Pope St. Zachary, and recently confirmed by Leo XIII. Formerly, the prerogatives of the abbots were even more extended. Thus, *e.g.*, Charlemagne made them chancellors of the Holy Empire; and the kings of Naples, first barons of that kingdom. In the height of the power and splendour of the abbey, they ruled over large and extensive domains. The government of the abbot ordinarily lasts three or six years, after which he can be confirmed or re-elected. When he lays down his charge, he still preserves the abbatial character and the prerogatives attaching to it. He continues to wear

the ring and pectoral cross, and can officiate with crozier and mitre, with the consent of the ruling abbot. The other principal officials or dignitaries, after the abbot, are the prior, who has charge of the interior discipline of the house; and the vicar-general, to aid the abbot in the administration of the diocese.

The monks go five times a day to choir. At five o'clock in the morning for Matins and Lauds; at half-past seven for Meditation and Prime; at eleven for Tierce and High Mass, which is followed by Sext and None. At two or three, according to the season, for Vespers and Complin; after supper for Night Prayer. On feast days the Office is sung with much solemnity.

Having learned this much of the abbey and its inmates, we now pass on to the central courtyard, surrounded by magnificent porticoes and seventy-nine arcades, and terminated by a royal staircase leading to the church, and to the Loggia del Paradiso over head. In the middle is a large and ornamental fountain surmounted by a cross. Amongst the pillars enclosing the Courtyard is a large one of porphyry, over three feet in circumference, supposed to have belonged to the ancient temple of Apollo. At the foot of the grand staircase are two colossal statues: one of St. Benedict, the other of St. Scholastica. Ascending this noble range of steps we enter the church, and see before us such a picture: such a finished and perfect work; such a collection of varied-coloured marbles, and precious stones, and paintings, and frescoes, and carvings, that if one had nothing else to see, it would more than repay the trouble and inconvenience of breaking the journey and getting to the mountain-top. It is one of the most exquisitely-finished and sumptuous churches in the world—like to the Certosa of Pavia, and St. Elmo, at Naples; and even more wonderful than these, seeing that we find all this profusion of wealth and art, not in a city or a town, but on the summit of a mountain. The entrance door is of bronze, containing in the panels a list of the possessions of the abbey in 1066, the letters of which are inlaid silver. In the height of its power these possessions were very great.



At one time the abbey counted in its domains two principalities, twenty counties, four hundred towns or villages, two hundred and fifty castles, three hundred and thirty-six manors, twenty-three seaports, and sixteen hundred and sixty-two churches.

Owing to one cause or another the present is the fifth church built on this site. It took more than a hundred years of patient labour to complete it, and was consecrated by Benedict XIII., in 1727. It consists of a nave and aisles, with four chapels on either side. Eight great pillars, inlaid with different coloured marbles, support the roof, and form with the walls of the church ten grand arcades. The floor is of varied-coloured marble and porphyry. The side chapels are rich in marbles and mosaics, and the tabernacle in the church of the Blessed Sacrament is of bronze gilt, and jewelled with precious stones—lapis lazuli, agate, amethysts. The sanctuary, which is very rich, is raised somewhat above the level of the floor of the church, and is reached by eight steps in mosaic of wonderful workmanship. The remains of SS. Benedict and Scholastica repose beneath the high altar: the back of this altar is surrounded by a grille in bronze, supporting thirteen lamps, which burn night and day before the shrine of the saints. This, the richest part of the altar, is ornamented with mosaic of many designs, and flashing with precious stones. On a tablet of black marble is read the following inscription:—

Benedictum et Scholasticam  
Uno in terris partu editos  
Una in Deum pietate Coelo redditos  
Unus hic excipit tumulus  
Mortalis depositi pro aeternitate  
Custos.

After the high altar, the choir, and especially the eighty-two stalls, are well worthy of attention. It is in itself a world of statues, portraits, figures, animals, fruits, and flowers; and all wrought out with a patience and a finish such as one can scarcely conceive. The variety of figures and designs in the carving seems to be endless; as, for instance, on the arms of each of the stalls you see a little

génie or figure in a position altogether different from its neighbour.

Here we can descend to the subterranean church, which is the size of the upper sanctuary and choir combined ; and from an artistic point of view is said to be, perhaps, the purest and most beautiful portion of the basilica. It contains three chapels, and is cut completely out of the rock. It is surrounded on three sides with stalls in walnut, of a simpler and more pure design than those of the upper choir. The roof is covered with paintings, and the walls with frescoes, a good deal damaged by time, and still more by those imbued with that mania of wanting to hand down their names to an indignant posterity. One of the three chapels is dedicated to St. Benedict, and here more than once the poet Tasso came to pray, and to seek of God that happiness which he could not find among men. Here, too, in this subterranean chapel is found the winter choir, where the monks carry on all the offices during the cold season of the year.

Having ascended, we may go on to the sacristy, which is quite in keeping with the church on account of its mosaics, its sculptures, its paintings, and especially the richness and variety of its marble floor. Passing through we enter the reliquary, octagonal in its form, where, amongst the relics preserved, the most remarkable are a large portion of the true cross, and the weight for measuring out that amount of bread which St. Benedict in his rule apportioned for each day to each monk. This weight is of bronze, and circular in form, and is the only object which comes down to us from the days of St. Benedict himself. From it, it would appear that eighteen ounces was the complement of bread allowed by St. Benedict to each monk for the day. With this were permitted three glasses, or draughts of wine, though the saint, at the same time, allowed and commended total abstinence from the use of wine. Perpetual abstinence from flesh meat was enjoined by the rule. Seven hours of the day were allotted to manual labour, two to pious reading, and there was meditation from matins till break of day. In most houses of the Order manual labour has been

exchanged for sacred studies and spiritual functions. The relic of the true cross is encased in a cross of silver gilt, and studded with rubies ; and in the reliquary are preserved also two thorns from the crown of thorns, and a small portion of the veil of the Blessed Virgin.

Returning through the church which, we may here remark, has the title of cathedral—the religious being the canons—and enjoys a plenary indulgence in perpetuity, and privileges as extensive as those of Loretto, we may, on going out, walk through the cloister of statues or benefactors. There are eighteen of these statues of great size. The most remarkable are those of St. Gregory the Great, who approved the rule of St. Benedict ; of Pope St. Zachary, who exempted the abbots from episcopal jurisdiction, and gave them the first place as such in all councils, and who came there accompanied by thirteen archbishops and sixty-eight bishops to consecrate the church built in 748 ; of Benedict XIII., who enriched the church with many privileges : and of Benedict IV., one of the great protectors of the abbey. On the opposite side are the statues of lay benefactors, principally emperors and kings ; of Gisulphe, who gave it the greater part of the immense territory that for more than eleven centuries formed the temporal domain of the abbey ; of Charlemagne, who confirmed it in these possessions, and made the abbots chancellors and the monks chaplains of the Holy Empire ; of Lothaire III., who several times came from Germany to restore it its possessions when plundered by enemies. On one occasion, in company with St. Bernard, this Emperor went barefooted through all the churches of Monte Cassino ; finally, of Robert Guiscard, whose gifts to the monastery were so numerous that it was impossible to count them ; and of Charles III., King of the two Sicilies, who gave the Abbey criminal jurisdiction over the Barony of Cassino and the adjacent country. From this cloister we can ascend the grand staircase to the Loggia del Paradiso, so called from the magnificent view therefrom, not only of the monastery, but, above all, of the plain below. When you reach the end of the Loggia, which is very extensive, the Panorama spread out before you is one

of surpassing range and beauty. Far away facing you are the mountains of Gaeta, hemming in in their semicircular range that fertile plain watered by the Liris—the *Campania felix* of the Romans, of which Horace sang long ago. It contains four or five Italian towns, amongst them Aquino, not far from which are the ruins of the Castle where the great St. Thomas first saw the light. In the centre of the plain are the remains of the walls of the convent in which St. Scholastica dwelt (542), and on a clear day, just over the lowest part of the mountain, you may catch a glimpse of the blue waters of the Gulph of Gæta on the Mediterranean.

Coming down, we may pass on to the grand corridor and the library. The latter contains from fifteen to twenty thousand volumes of printed works, with an alphabetical catalogue of twenty-eight vols., according to the names of the authors. Busts of doctors of the order are set up round the walls. This library also contains many typographical curiosities, amongst them a copy of the works of Lactantius—the second work printed in Italy. There are only three other copies in existence—at Subiaco, the Vatican, and Berlin. It contains five hundred works of the first age of printing, and a collection of the works of Cardinal Mai bequeathed to it by the Cardinal himself.

From the library we pass to the halls of the *Archives*—perhaps the most interesting portion of Monte Cassino, and that of which the monastery is most proud. They go back to the sixth century—to the time of St. Benedict, and from that continue on for more than fourteen hundred years. They are preserved in three halls connected by two arches in travertin. They are kept in walnut cases lined with cypress to protect them from insects. The public are admitted every day. The first hall contains, amongst other things, the Papers having reference to the affairs of the diocese of Monte Cassino, as also copies of Diplomas, Pontifical Bulls, and Deeds of every kind, the originals of which are kept in the other halls. The second hall contains the richest treasures of the Archives—the manuscripts and parchments. Of these they have in all one thousand three

hundred and eighty volumes; eight hundred before the invention of printing, five hundred and eighty since. They treat of many and various subjects, ranging from Sacred Scripture to military science, and, besides, from an artistic point of view, are very precious and of the greatest interest. On a stand in the middle of the hall are exposed some of the most remarkable—amongst others the Commentary of Origen on the Epistles of St. Paul, translated by Rufinus; the four Gospels of the time of Pope Zachary; *La Divina Comedia di Dante*, a manuscript almost contemporary with the great poet himself. Above the manuscripts are preserved in drawers the charters or deeds of the monastery, of which there are ninety thousand, forty thousand being on parchment and fifty thousand on paper. They relate to donations, purchases, sales, judicial sentences, &c., and go back as far as the eighth century.

In the third hall is contained a large collection of Diplomas and Bulls. The Diplomas of Emperors, Kings, and Princes amount to about a thousand. They are carefully rolled in silk, in order to preserve the writing, and have generally seals attached to them in lead or wax and sometimes gold; the most ancient dates from 810. Not less remarkable is the complete collection of Pontifical Bulls relating to Monte Cassino. They commence in the eleventh century, and continue to our own day. The total number is about eight hundred and ninety-five. The first amongst them in the order of time is that of Leo IX. in 1048.

Having seen so much, we may now finish our pilgrimage to the monastery by a visit to the cell or chapel of St. Benedict. It is called the Toretto, because situated in the lower part of that ancient tower which formerly served as the dwelling-place of the saint. It is near the present entrance gate, and is, as we have seen, the cell in which St. Benedict lived from the time he came to Monte Cassino until he died there, in 543. It is now a chapel, the walls of which are lined with frescoes from scenes in the life of St. Benedict and his monks. The altar has been enriched by several plenary indulgences, and particularly by Gregory XIII.

It is in this cell or chapel that St. Benedict wrote his famous rule; that he prayed so often, and held converse with God; and from the window of which he saw the soul of his sister, like a pure dove, winging its flight to heaven. He survived that sister but forty days. On the sixth day of his sickness he had himself carried to the Chapel of St. John the Baptist. Before that, he had ordered the grave where his sister slept to be opened. Supported in the arms of his disciples he received the Holy Viaticum; then, placing himself at the side of the open grave, but at the foot of the altar, and with his arms extended towards heaven, he died standing, his lips murmuring a last prayer. He was buried by the side of Scholastica, and on that day two of his monks in different places had the same vision, in which they saw a multitude of stars form into a shining pathway, extending from Monte Cassino up to heaven, and in which they heard a voice that said to them, that by this road Benedict, the well-beloved of God, had ascended to celestial glory.

Such, then, is Monte Cassino, called by Pope Victor III. another Sinai—the home and last resting-place of the patriarch and legislator of the monks of the West, of him who gave definite shape to the monastic life, and “from whose heart,” as Pope Urban II. tells us, “monastic religion flowed as from a fountain-head of Paradise.” For, great indeed and immense were the results, not only religious, but social and historical as well, that sprang from that rule, and from the monastic life established in the monastery of Monte Cassino by St. Benedict.

“In the lifetime of the saint, as after his death [as Montalembert tells us in his *Monks of the West*] the sons of the noblest races in Italy, and the best of the converted barbarians, came in multitudes to Monte Cassino. They came out again and descended from it to spread themselves over all the West; missionaries and husbandmen, who were soon to become the doctors and pontiffs, the artists and legislators, the historians and poets of the new world. They went forth to spread peace and faith, light and life, freedom and charity, knowledge and art, the Word of God and the genius of man, the Holy Scriptures and the great works of classical literature, amid the despairing provinces of the destroyed Empire, and even into the barbarous regions from which the destruction came forth, less than a century after the death of

Benedict. All that barbarism had won from civilization was reconquered; and more still, his children took in hand to carry the Gospel beyond those limits which had confined the first disciples of Christ. After Italy, Gaul, and Spain had been retaken from the enemy, Great Britain, Germany, and Scandinavia were in turn invaded, conquered, and incorporated into Christendom. The West was saved. A new empire was founded. A new world began.

J. LENNON.

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## Progress of the Church

### THE TAX ON RELIGIOUS CONGREGATIONS IN FRANCE

A GOOD deal has been heard of late of the special tax that the French Government has imposed on religious congregations, and of the attitude taken up, in regard to it by the ecclesiastical authorities in Rome and in France, and by the religious congregations themselves. It would, however, be rather difficult to gather from the newspaper accounts of the question anything like a clear idea of the nature of this special tax. Hence we venture to give here a short explanation which may help to throw some light on the subject.

With the exception of the provisions of the "Statute of Mortmain," which restricted the power of religious orders and congregations in acquiring real property, and even within the limits allowed imposed upon them a special Mortmain tax, no other laws of any exceptional kind weighed upon religious bodies in general in France until the year 1884. Up to that time whatever legislation affected the obligations to the revenue of religious bodies equally affected all other associations that were recognised as "civil persons," such as hospital boards, consistories, municipalities, manufactories, mining companies, &c. In the year 1884 it was contended by the Government that whenever a new member joined a religious order or congregation, whatever personal property he brought with him was soon withdrawn from circulation and general use, and escaped succession and death duties. It also, they said, acquired an increased productive value by being added to the capital of the congregation and invested in safe securities.

In consideration of this a tax of 4 centimes per hundred francs was imposed on all the movable and immovable property of the

congregation, property which, in the case of most of the movable goods, was entirely unproductive. This was what was called the *Droit d'Accroissement*. But, moreover, special duties were ordered to be levied on the occasion of the death of the superior and of each of the members of the congregation. As portion of this tax went to the support of the "commune," or municipality, the municipal authorities contended that in whatever locality the congregation held a house or residence of any kind, or any immovable property whatsoever, the municipality of that place was entitled to levy its share of the "increase tax" on the whole property of the congregation. For a while, indeed, this monstrous multiple tax was actually levied, till one of the congregations, thus harassed, appealed to the Court of Cassation, and got a verdict in its favour. The Government then took the matter in hands, and in lieu of the death duties and "increase tax," it struck a new tax called a subscription tax, or *taxe d'abonnement*, on the gross value of the personal property possessed by religious congregations, communities, and associations," and fixed the tax on those religious bodies that are recognised by the state at 30 centimes per cent., and on unrecognised bodies at 40 centimes per cent., requiring them at the same time to pay up the arrears which had accumulated since 1884, as, for one reason or another, the valuation of property and declaration of death or change had not been regularly made or insisted upon during that period. Such arrears would now be estimated at about 6,757,000 francs. The following is the text of the new law :—

Art. 3. The duty fixed by Article 4 of the law of December 28, 1880, and by Article 9 of the law of December 19, 1884, is converted into an annual obligatory tax on the gross value of the personal property possessed by the religious congregations, communities, and associations, whether authorized or not, and by the other societies and associations rehearsed in the laws aforesaid.

The property acquired with the authorization of the Government, as long as it has been appropriated, and continues to be really employed in the gratuitous assistance of the infirm, the sick, the needy, orphans, and foundlings, or in the work of the French missions abroad, does not fall under this tax.

Exemption will be granted or withdrawn by a decree of the Council of State.

Art. 4. The tax is fixed at 30 centimes per cent. on the value specified in the preceding Article; the assessment made at 40 centimes per cent. (0 francs 40 p. 100) on the real estate possessed by those congregations, communities, and associations



enumerated in the same Article, which are not subject to the tax of *mortmain*, established by the law of February 20, 1849; it is not subject to tithes. Payment of it for the past year will be made during the first three months of the following year at the registration office of the Bench designed for this purpose, on presentment of a detailed declaration of the kind and value of the estate.

Art. 5. Default of payment within the given period will be punished by a fine, over and above, of not less than 100 francs. An extra charge will be demanded in case of omissions or under-statements of valuation in the declaration for the assessment of the tax.

Art. 6. Under-statement of valuation may be proved on personal and real property, according to the manner and forms laid down by Articles 17 and 18 of the law of Frimaire 22, in the year seven of the Republic, and by Article 15 of the law of August 23, 1871.

Art. 7. The right granted to the Treasury by Article 32 of the law of Frimaire 22, for the recovery of the death-duties, applies to the tax and to the penalties established by the present law. In the case of recognised religious associations, action for the recovery of the tax will be validly taken against the superior or superioress, and, in the case of all other associations, against every member admitted to any title whatsoever in the said associations.

Art. 8. The congregations, communities, and associations which, at the time of the promulgation of the present law, are in arrears with their payments, will be allowed a delay of six months, commencing from that time in which to discharge their debt without penalty, but on the condition that they repay the Treasury all the charges set forth. They may choose, for this purpose, between the application of the old regulations and the rules established by the present law, without, however, being able to avail themselves of the exemption granted by the second paragraph of Article 3. In this case, the annual tax will be reckoned as counting from the date of their oldest debt with the Treasury, and settled on the gross value of the property, personal and real, as this value shall have been declared or proved for the payment of the tax on the income, or, in default, by means of the declaration provided by Article 4 of the present law. In default of being discharged within the time thereby granted, the congregations, communities, and associations, without prejudice to any of the expenses made out against them, will have to pay the annual tax calculated, as has just been said, as counting from the day of the beginning of the oldest debt with the Treasury. They will, besides, be liable to a fine equal to half the tax demanded.

Art. 9. All precepts and limitations concerning the taxes charged on the congregations, communities, and associations,

whether authorized or not, which would have been obtained during the six months' grace granted to those establishments to choose between the old method of collection and the new, are hereby suspended until one month after the expiration of the said delay, unless the notice of any such act to the contrary be necessary.

Art. 10. All the provisions of former laws which contain nothing contrary to the above Articles 3 to 9 will remain in force.

The members of the religious orders, being the only citizens who are subjected to this special tax, feel naturally aggrieved. No such impost is inflicted on the members of any other association. Soon, therefore, after the law was promulgated, an agitation was raised against it all over the country. The bishops, in the great majority, recommended an attitude of passive resistance to the tax, allowing the Government to enforce a law which was arbitrary and unjust by seizing the effects of the religious orders, and selling them by auction, in order to realize their tax, and thus bring upon themselves the public odium which they might otherwise escape. This was the special recommendation of Cardinal Langenieux, Archbishop of Rheims. The sole defender of submission, pure and simple, amongst the Bishops, seems to have been Mgr. Fuzet, Bishop of Beauvais. The Holy Father was appealed to for advice and direction by several bishops, and his reply on all occasions was that he left absolute liberty to the religious houses and congregations to do what they considered most advantageous in the interests of their various establishments. The Catholic Press became divided on the subject, and has been carrying on a lively discussion as to the attitude which the religious orders should adopt. Some of these newspapers, however, have but one object; viz., to give trouble to the Republic. Their advice is not quite disinterested. The *Univers* has consistently followed the directions of the Holy See; and although it commented boldly enough on the attitude of Mgr. Fuzet, still it has cut itself adrift from the monarchist organs that call for resistance to the bitter end, and supports those who, in their wisdom, feel bound to submit, as well as those who have decided to hold out.

Amongst those who have already decided to submit are the Congregations of St. Lazare, St. Sulpice, the Foreign Missions, the Fathers of the Holy Ghost, and the Christian Brothers. All these congregations are recognised by the Government,

and were exempted from the law of expulsion in 1880. Their superiors have addressed a joint letter to His Holiness Pope Leo XIII. From this weighty document we extract the principal paragraphs :—

“The reply which your Holiness has given, and repeated on various occasions, assures to us the liberty which some were willing to question, and even to deny. It establishes clearly that the decision to be taken under the adverse circumstances of the time, is not a question of justice or conscience, but one of prudence. It gives us to understand that in guarding the interests that are committed to us we by no means desert nor compromise the higher interests of the Church, but rather fulfil, to the best of our ability, the object of our mission.

“It is in the light of these replies of the Holy See, and with the same respect for the liberty of others which we claim for ourselves, that we have calmly reflected on the decision we had to take regarding the laws of our country.

“The recognised congregations find themselves confronted with the alternative, either to submit or to resist. Resistance, owing to the conflict it would provoke with the public authorities of our country, exposes the congregations to a danger, the reality and seriousness of which are only too evident. It is not alone that they would be mulcted in enormous fines; the withdrawal of their authorization which might be enacted by law, and the dissolution and expropriation which would result might lead to their complete extinction.

“As long as our consciences do not impose such a sacrifice upon us, we do not feel called upon or even at liberty to compromise, in an adventure the issue of which should remain extremely doubtful, the special interests confided to our congregations, which your Holiness recommends us above all to safeguard. By these special interests we do not mean temporal goods, however lawful our solicitude regarding these may be; we refer to the preservation of the religious life in our congregations, and the maintenance of their works, of which these temporal goods are the material condition and indispensable instrument.

“These works, some of them now centuries old, represent spiritual interests of the highest order, connected not only with France, but with the universal Church. The education of the clergy, the propagation of the faith amongst infidels, the instruction of youth, the ministry of Catholic charity towards the sick, poor, and orphans. The congregations that have received from the Church and from their founders the responsibility of this mission, and have charge of so many souls, consider that their first duty compels them to protect these sacred interests. It is evident that that object can be attained only by submission to

the law of the 16th of April. At the present time similar considerations have determined their Lordships, the Bishops of France, to submit to the vestry laws (*les lois sur les fabriques*), which are not less hurtful to the Church than this 'subscription law' against the congregations.

"But, whilst bowing before inevitable necessity, the undersigned superiors declare to your Holiness, that although their congregations yield to this 'subscription law,' they do not accept as final the fiscal legislation by which it is imposed. The congregations do not ask for any privilege; they do not refuse, and never have refused, to bear the fiscal charges equally imposed on all citizens; but in union with the entire episcopate they protest against the exceptional *régime*, created by the laws of 1884 and 1895, and they will not cease to call for their revision by constitutional means.

"The country knows that the members of our congregations hold in common love the Church to which they are consecrated and the fatherland of which they are children. It knows that abroad, as well as at home, France has no more devoted or more disinterested servants. The honourable distinctions conferred by the Chief of the Republic prove that their services have deserved public recognition.

"By the memorable Encyclical of the 16th of February, 1892, your Holiness exhorted, not only Catholics, but all sincere and honest Frenchmen to unite their forces for the promotion of peace and in opposition to unjust legislation.

"The revision of these unjust laws against religious congregations is one of the essential conditions of peace. The congregations will not cease to pursue that object, by the means which your Holiness has indicated, until they have obtained the only privilege for which they contend; *i.e.*, liberty to work, under the ægis of the common law, for the glory of our Lord Jesus Christ, the salvation of souls, the triumph of religion, and the welfare of the country which goes with it hand in hand."

### ● THE JUBILEE OF A CRIME

There is a passage in the speech which Signor Crispi delivered in Rome on the occasion of the festival of the jubilee of Italian unity, celebrated on the 20th of September, which deserves to be remembered, and which is likely to be heard of again. It is the passage in which, speaking of the Pope and ministers of religion, he said:—

"There are, indeed, some who have the audacity to oppose the intentions of the Almighty, and who, at the same time, are not ashamed to call themselves His ministers. But they shall

not prevail. Italy is strong enough and secure enough to fear no rebels. They shall not prevail ; for these ministers of religion are well aware that they are inviolable as long as they remain within the boundaries of their office, and do not set themselves up in opposition to the laws of the state in which they live. They must remember, moreover, that in rebelling against us, in denouncing the land of their birth, and preaching rebellion against its laws, they expose themselves to the loss of those guarantees which were conceded to religion and for religion, but not for the purposes of men."

This is a proof to Catholics the world over how worthless are these boasted "guarantees." They might be withdrawn, at any moment, according to the whim of a disreputable adventurer like Crispi, in case circumstances favoured him.

Irish Catholics should also bear in mind that the Italian flag was hoisted from the official residence of Sir Clare Ford, the British Ambassador at Rome, who receives his salary from Irish as well as British taxpayers. With the exception of the embassy of Sweden and Norway, no other European embassy hoisted the flag. France, Germany, Russia, Spain, Austria, Turkey, Bavaria, Belgium, Denmark, Portugal, Holland, Roumania, and Switzerland, all had the good taste and delicacy to refrain from joining in a demonstration so painful to the fathers of Christendom.

J. F. HOGAN.

## EDITORIAL NOTE ON AN IMPORTANT THEOLOGICAL DECISION

WE beg to call the attention of our readers to the important theological decision, which we publish amongst the documents of this month, and which was recently given by the Sacred Congregation of Propaganda, in reply to a question formulated and forwarded to Rome, by his Eminence Cardinal Logue.

A Catholic gentleman dies, leaving by will the sum of £20 a-year to his parish priest for the time being, and his successors in perpetuity, on condition that a specified number of Masses shall be celebrated for his intention, each year, in a specified church. The law of the land acknowledges the validity of this bequest only in the case of the parish priest who holds office when the testator dies. It has not yet, at all events, sanctioned perpetuities of this nature. The following questions then arise:—

1. Whether the legacy holds good notwithstanding the provisions of the civil law?
2. Should the answer be in the affirmative, whether the legacy is satisfied by having the Masses said by another priest, outside the parish, at a stipend according to a diocesan tax, which is lower than that granted by the legacy?
3. Whether, at least, the legal representatives of the testator, may deduct from the amount of the bequest, the tax, in connection with it, that has to be paid to the State?

To these questions the Sacred Congregation replies:—

1. That the legacy *certainly* holds good, as the civil law has no authority to interfere with pious objects.
2. That all the provisions of the legacy are still binding on the legal representatives of the testator, and must therefore be carried out according to the directions given in the will.
3. That the legal representatives may deduct from the amount of the bequest the tax levied, on account of it, by the state.

It will be noted that in its answer to the first question the Sacred Congregation uses the term "*Certum est*," which is most emphatic, and that the reason on which its answer is based is a fundamental and far-reaching one.

ED. I. E. R.

## Liturgical Notes

### ANSWERS TO CORRESPONDENTS

#### THE OCTOBER DEVOTIONS

REV. DEAR SIR,—A difficulty has arisen in many minds with regard to the manner of celebrating the October devotions ; and as the point is practical, useful, and interesting, I submit it for your kind consideration and judgment.

The Pope has *decreed and ordered* that the Rosary and the Litany of Loretto be recited every day from the 1st of October to the 2nd of November in all parochial churches, &c. And his Holiness directs that if they are recited in the morning, Mass is to be said during the recital ; if in the afternoon, the Blessed Sacrament is to be exposed, and Benediction given.

Now, the question arises :—Do priests and people comply with the Pope's injunction, if, for instance, *in the morning*, after Mass, the devotions are gone through during Exposition of the Blessed Sacrament. Take, for example, the case of a community of nuns who are anxious, and have the authority of the Bishop, *to have Benediction every day during October*, and the most convenient time for them to have it is immediately after Mass. If, at that time, the devotions are carried out during Benediction, are the directions of his Holiness complied with, and may the usual indulgences be gained ? or must the devotions be joined *strictly with Mass in the morning*, or with *Benediction in the evening* ?

It would seem to me that the Pope does not restrict Benediction to the afternoon, but merely points to what usually takes place in churches ; so that if it should be given *in the morning* (after Mass, *v.g.*) in union with the prescribed devotions, all essential requirements would be substantially fulfilled. In the first instructions of 1883, his Holiness stated to the faithful, *only that it would be highly desirable* that Mass should be said or Benediction given in connection with the devotional exercises. Later on, no doubt, he made it *imperative* that Mass should be said or Benediction given with them. But, as far as I can find out from the various letters of his Holiness issued since that time, he does not restrict the Benediction with the devotions *to the evening* ; *i.e.*, after twelve o'clock. All he requires, to my mind, is, that when the devotions are gone through in any part

of the day, the solemnity of the Mass or that of Benediction should be joined to them for a full compliance with his decree and for the gaining the indulgences. His words are :—"Decernimus et mandamus ut quinque saltem Rosarii decades, adjectis Litanis, quotidie recitentur : [then there is a semicolon ; after which follows] quod si mane fiat, sacrum inter preces peragatur, si pomeridianis horis, Sacramentum adorationi proponitur."

The first part is surely *imperative*, namely, the recitation of the prayers with solemnity either of Mass or Benediction. The second seems to be merely *directive*, assuming the usual mode of the Ceremonial ; *i.e.*, Mass in the morning, and Benediction in the evening, without insisting on the necessity in point of time for either to gain the indulgences.

Kindly favour us with your opinion on the matter, and state whether the Pope's wishes and directions are substantially complied with, and everything done to ensure the gaining of the indulgences, *positis ponendis*, if, *at any part of the day*, the devotions are duly carried out either during Mass or Benediction. Many priests and nuns of my acquaintance are of opinion that if the devotions are carried on during Benediction after morning Mass, the indulgences cannot be gained. As I cannot so far adopt that opinion, I am most anxious to have, and will be grateful for, a statement of your view of the matter.

A SUBSCRIBER.

Our esteemed correspondent has so fully discussed this question, that nothing remains for us but to say whether we hold with him, or with those whose opinion differs from his. In this case we hold with him, namely, that the conditions for gaining the indulgences attached to the October devotions are substantially fulfilled by reciting the Rosary, &c., in presence of the Blessed Sacrament, exposed at any time of the day. We believe it to be essential that the prayers be recited either during Mass, or in presence of the Blessed Sacrament exposed either in the monstrance, or, where that is impossible, in the ciborium ; but we are strongly of opinion that, whether the Mass be celebrated in the forenoon or in the afternoon, and whether the Blessed Sacrament be exposed in the afternoon or the forenoon, this condition is fulfilled. We adopt this opinion, because it seems unusual and unmeaning to vary the essential conditions



for gaining an indulgence to suit the ceremonies which usually take place in the different parts of the day. It would seem that it is the *solemnity* that is essential, and that this solemnity is added either by the Mass, or by the Exposition of the Blessed Sacrament, while the distinction between morning and evening is a mere accident, or direction, as our correspondent terms it, suggested by the time to which these solemnities are generally confined. The primary intention of the Holy Father was, we believe, to sanction the celebration of these devotions both in the morning and in the evening, and that, for the sake of precision and brevity, he made the distinction, and mentioned the solemnity in a single clause.

It should, however, be borne in mind, that this is only an opinion; and although we consider it a very probable one, still it does not exclude *omnem formidinem errandi*; and, consequently, admits the possibility of the truth of the opposite opinion. And, as everyone knows, though one may safely act on a solidly probable opinion when there is question *de licito vel illicito*, when there is question of fulfilling the conditions necessary for gaining an indulgence, the probability of an opinion, however great it may be, does not help one to gain the indulgence if it be in reality false. Hence there is a slight risk in having the prayers recited in the morning, in the presence of the Blessed Sacrament, instead of during Mass; and this risk priests or superiors of religious houses should not run without a good reason.

Moreover, though it be admitted as quite certain that the Exposition and Benediction may take place in the morning, it nevertheless remains that the order indicated by the Holy Father should not be departed from, unless the observance of it caused considerable inconvenience. The object of the Holy Father was, as we have said, to render these devotions as solemn as possible; and the Mass is much more solemn than even Exposition of the Blessed Sacrament. Hence to have Exposition immediately after Mass for the purpose of providing the required solemnity for the recitation of the prayers, instead of having them recited during Mass, would seem to run counter with the

Holy Father's directions. Again, though the Papal instructions, of themselves, contain sufficient permission for having Benediction every day during October, so that, without the express leave of the Ordinary, Benediction may be given in every church, chapel, &c., still the *Papal* permission would seem to extend only to Exposition and Benediction *in the afternoon*, not in the morning, or at any rate not in the morning in a church or chapel in which Mass has just been celebrated. Hence, to have Exposition and Benediction in the morning, in these circumstances permission must be had from the Ordinary; and, in asking his permission, he should be distinctly informed of the circumstances for which the permission is sought. It will then be for him to decide whether his powers enable him to grant the desired permission.

#### THE BLESSING OF THE DOLOUR BEADS

REV. DEAR SIR,—A great difference of opinion exists with regard to the power of priests having the ordinary faculties from the Pope for blessing beads and enrolling in the scapulars, as to whether they can bless and impart the indulgence to the Dolour Beads. Some hold that they thereby have the power of blessing the Dolour Beads, and of applying to it the special indulgences usually granted by the Servites of Mary, and for that purpose they use the form of blessing given in the Ritual. Others hold they receive no such power at all, and so abstain altogether from blessing the Dolour Beads, as they think they have no power of attaching any indulgence whatever to such beads. Others again, of whom I am one, maintain that by the ordinary Papal faculties they can bless and impart to the Dolour Beads, not the special indulgences of the Servites of Mary, but the usual Apostolic and Brigittine indulgences which the Pope gives power to annex to all the other beads, and for that purpose they do not read the prayer in the Ritual over them, but merely make the sign of the cross.

Of course, there is here no question of *special* faculties from the Pope, should he give such. There is question only of what he ordinarily grants. Their argument is this:—The Pope gives faculties to enrol in *all the approved* sodalities and scapulars, and hence in the Dolour Scapular also; and it would be strange

that a priest should have the power to enrol in the *Scapular* of the Dolours, and have none to bless and *indulgence* the Dolour Beads. Still they admit that this indulgence is not the one *special* to the Dolour Beads, but only the Apostolic and Brigittine; for from various decrees it appears that the indulgences special to the Dominican and Dolour Beads are reserved to the Dominicans and to the Servites of Mary. Besides, the usual form of blessing and indulgencing objects given in the ordinary faculties of the Pope is merely the sign of the cross made over them; and different decrees of the Congregations have decided that the sign of the cross alone will not suffice for imparting the indulgence to the Dominican and Dolour Beads.

The priests, then, of my way of thinking conclude that the ordinary faculties of the Pope empower priests to attach to the Dolour as well as to the Dominican Beads, only the Apostolic and Brigittine indulgences, and to do this the sign of the cross made over them is all that is required, whilst for attaching the *special* indulgences both to the Dolour and Dominican Beads, faculties must be had from the Superior of the Dominican Order and from the General of the Servites of Mary (or, of course, directly and specially from the Pope himself), and then the form of blessing in the Ritual must be recited over them in order to confer the indulgence.

Will you be good enough to state your opinion upon this disputed point, and thus settle a practical difficulty?

A SUBSCRIBER.

With regard to this question, we are sorry we cannot adopt the opinion which our correspondent so ably champions. He is of opinion that priests having the ordinary Propaganda faculties cannot impart to the chapelet of the Seven Dolours the special indulgences which members of the Confraternity of the Seven Dolours gain by reciting this chapelet, but only the ordinary Brigittine indulgences. Now, we are of opinion that a priest possessing these faculties can receive persons into every confraternity and sodality approved of by the Holy See, with the sole exception of the Confraternity of the Rosary; can enrol in the scapulars peculiar to each, and can impart to beads the special indulgences granted for the recitation of the beads to the members of each. We except the Confraternity of

the Rosary, and, consequently, the rosary beads, which the members must use in order to gain all the indulgences of the confraternity. This confraternity, if it is to be the source of the special indulgences granted to it by so many popes, must be erected with the express permission of the General of the Order of St. Dominic, and the members' beads should be blessed by a Dominican Father, or a priest having faculties from the General of the Dominicans. Our correspondent would make the beads, at least of the Seven Dolours, if not the Confraternity itself, stand in the same relation to the Order of Servites as the Confraternity of the Rosary and its beads stand to the Dominican Order. We believe he is mistaken; and we believe, moreover, we can prove this from the formula employed by Propaganda in granting the faculties now under discussion, taken in conjunction with an Instruction issued by the Congregation of Propaganda in June, 1889. The following is the text of the formula:—

“SSmus Noster Leo Divina Providentia Papa, referente me infrascripto Sacrae Congregationis de Propaganda Fide Secretario, R. . . . N. . . . facultatem benigne concessit, de consensu tamen Ordinarii, et exceptis locis, ubi adsunt Regulares ex privilegio sui Ordinis ejusmodi facultate gaudentes, ad quinquennium adscribendi utriusque sexus fideles Confraternitatibus a S. Sede approbatis, ac benedicendi Coronas et Scapularia earumdem Sodalitatum propria, eaque fidelibus imponendi cum applicatione omnium et singularum indulgentiarum et privilegiorum, quae Summi Pontifices memoratis Confraternitatibus impertiti sunt, dummodo non adscribantur nisi fideles qui praesentes sint in loco adscriptionis.”

By this formula, as our correspondent justly remarks, the Congregation grants faculties to enrol in all approved sodalities and confraternities. But faculties to enrol in a sodality or confraternity, means precisely power to communicate to the members enrolled everything necessary to enable them to partake in the fullest manner of all the privileges of the sodality or confraternity—power, consequently, to impart to the beads of the sodality or confraternity the indulgences peculiar to itself. This is made abundantly clear by the wording of the formula itself. In the first place, the clause, “exceptis locis ubi adsunt Regulares,” implies

that the faculties conveyed by this formula are precisely the same with regard to the various confraternities, their beads and scapulars, as are the faculties enjoyed by the priests of the several Orders to which these confraternities pertain. Otherwise there would be no reason for restricting the use of these faculties to places free from Religious Orders. Again, the words, "*Regulares ex privilegio sui Ordinis ejusmodi facultate gaudentes*," state expressly that these faculties are the same as those of the Religious Orders, since they state that they are the same as those which Regulars enjoy as members of their respective Orders.

Finally, these faculties expressly empower him who has received them "to bless the beads and scapulars peculiar to each of the approved sodalities; to invest in the scapulars, and to impart to both beads and scapulars all and every indulgence and privilege granted to these sodalities by the Supreme Pontiffs."

"... facultatem benigne concessit . . . benedicendi Coronas et Scapularia earumdem Sodalitatum propria eaque fidelibus imponendi cum applicatione omnium et singularum indulgentiarum et privilegiorum, quae Summi Pontifices memoratis Confraternitatibus impertiti sunt."

The faculties, then, empower a priest to impart to beads the indulgences peculiar to the beads of each confraternity. In the formula no approved confraternity is excepted; consequently, unless a particular confraternity is explicitly excepted by an independent decree of the Congregation of Propaganda, we are bound to admit that these faculties extend to all. Now, there is one, and only one, confraternity thus excepted, and that one is not the Confraternity of the Seven Dolours, but the Confraternity of the Rosary. It is true that in the year 1887 the Congregation of Indulgences issued a decree withdrawing from bishops the power they had previously possessed of establishing the Confraternity of the Seven Dolours, of the Most Holy Trinity, and of Our Lady of Mount Carmel, without reference to the respective Orders to which these confraternities pertain. As this decree of the Congregation of Indulgences was quite general, bishops in missionary countries such as ours were

apprehensive lest it applied to them also. The Congregation of the Propaganda was consulted, with the result that the bishops in missionary countries were assured that their (delegated) faculties extended to all confraternities approved of by the Holy See, and empowered them to communicate to these confraternities all the indulgences and privileges accorded to them by the Holy See. Just one confraternity—the Confraternity of the Rosary—was excepted, and it not absolutely; for bishops in missionary countries were authorized to erect confraternities of the Rosary, but were at the same time told that such confraternities would enjoy the special indulgences and privileges of Rosary confraternities only when faculties for erecting them had been obtained from the general of the Dominicans. The following extract will suffice to show that we have faithfully interpreted this Instruction issued by Propaganda:—

“Moderatores igitur missionum huic Sacrae Congregationi Fidei Propagandae subjecti facultates ab eadem sibi faciendas quoad omnium Confraternitatum erectionem, fidelium in easdem aggregationem, scapularium benedictionem, et indulgentiarum applicationem, valide et licite exercere se posse sciant quin a quopiam cujusve Regularis Ordinis moderatore veniam aut assensum appetere aut obtinere antea teneantur. Quoad Confraternitates SSmi. Rosarii tamen si velint eas ita constitutas ut fruantur etiam peculiaribus illis indulgentiis quae competunt Confraternitatibus erectis auctoritate Magistri Generalis Ordinis Praedicatorum, tunc ad eum recursum habeant oportet.”

Now since the Confraternity of the Seven Dolours was one of those withdrawn from the authority of the bishops in non-missionary countries, and since the only one here excepted from the authority of bishops in missionary countries is the Confraternity of the Rosary in its perfect form, we conclude that bishops in missionary countries receive full faculties to establish this confraternity, and to communicate to members through beads and scapulars all the indulgences and privileges of the confraternity. Now the faculties granted to priests by Propaganda—that is, the faculties we are now discussing—are precisely the same as those granted to bishops, with the sole exception that bishops are generally empowered to subdelegate. Hence, we conclude that a priest who has these faculties can impart

to the beads of the Seven Dolours the special indulgences which would be imparted to them if blessed by a Servite. Our correspondent is quite right in saying that these special indulgences cannot be imparted by merely making the sign of the cross over the beads. The formula proper to the Servites, and given in the appendix to the Roman Ritual, must be employed.

#### COMMUNION BEFORE MASS

REV. DEAR SIR,—Kindly state in the I. E. RECORD, at your convenience, whether it is a sufficient reason for giving Holy Communion immediately before Mass, that the communicants (who remain to hear this Mass) may have a longer time for thanksgiving than if they communicated *intra Missam*.

The case I desire to be enlightened about is this:—some nuns in charge of a workhouse occasionally hear Mass in their convent, which is about a quarter of a mile distant from the workhouse. If they received *intra Missam*, their time for thanksgiving would be about twenty minutes; that is, from the Communion to the end of Mass, and after Mass to their arrival at the workhouse. Are they entitled to get Holy Communion *ante Missam*?

Faithfully yours, F.

Either the general cause mentioned by our esteemed correspondent in the first paragraph of his question, or the special cause mentioned in the last, or, indeed, any cause at all, will justify the distribution of Holy Communion before Mass. Although some quote the Roman Ritual as prohibiting the distribution of Communion outside of Mass, unless for a good cause, it is certain there are not now, at any rate, such prohibition, and that for the mere convenience, either of the priest or of the communicants, or of the other members of the congregation, Communion may be distributed either before or after Mass. In proof of what we have just said, we might quote theologians and canonists from the time of Benedict XIV. down to the present; we will content ourselves, however, by quoting only one. Lehmkühl writes:—

“Etsi Rituale moneat Sacram Eucharistiam, si fieri possit esse *intra Missam* distribuendam, tamen consuetudo late vigens et causae communiter occurrentes id efficiunt ut verum praeceptum, etsi sub veniali tantum, statui amplius non possit.”

There is, therefore, no precept confining the distribution of Communion *intra Missam*; and, consequently, a priest need never have any hesitation in giving Communion *extra Missam*, whether immediately before or immediately after Mass. But though a priest need not seek for a cause to justify him in distributing Communion before Mass, he must find a very substantial cause to justify him in refusing to distribute Communion to those who reasonably desire to receive before Mass.

D. O'LOAN.

## Correspondence

### A HUNDRED GOOD BOOKS

REV. DEAR SIR,—An incalculable service would be conferred on the Irish priesthood if your highly valued Ecclesiastical Magazine suggested a list of one hundred good books suitable for the needs of a young priest starting life on the Mission. They should form fairly sufficient equipment for his actual requirements, and would serve as the foundation of a more extensive collection when more abundant means would enable him to increase their number. It is clear that the class of books would be intended much more for a working priest on the Mission than for a collegiate professor or speculative student. Such a list would naturally embrace a few compendiums, practical treatises on dogmatic, moral, pastoral, and ascetic theology, Scripture, liturgy, ecclesiastical history. It might also suggest authors to be consulted for Sermons, Instructions, catechetical teaching; and also indicate a few choice books suitable for meditation and spiritual reading. Within its purview might also come a brief list of useful secular works on science, history, travel, political economy, &c.

Although no young priest could hope to purchase even this slender literary stock on entering on his missionary career, yet the foundation of a library could be usefully laid; and in later years a useful, if not a valuable selection of books, might be built up gradually.

Such a list of authors would, among other advantages, gradually lessen the burden of literary lumber under which so many shelves groan in some presbyteries.—Sincerely yours,

NEO-SACERDOS.

[We shall be happy to receive suggestions regarding the best books, and to present a list in some future number.—ED. J. E. R.]



## Documents

### RESOLUTIONS OF THE IRISH HIERARCHY ON EDUCATION

THE following resolutions in reference to the Education Question were unanimously adopted by the Archbishops and Bishops of Ireland at their General Meetings on the 16th October :—

“ RESOLVED—That we renew the protests which the Bishops of Ireland have long been making against the great injustice with which we Catholics are treated in educational matters.

“ In the first place, with reference to University Education, we have to complain that while the wants of other religious bodies are amply, and even lavishly, supplied, we, who are the immense majority of the population, are condemned to the intellectual and material loss which the deprivation of higher culture entails on a whole nation, unless we consent to accept it on conditions from which our consciences revolt.

“ This position of inferiority is rendered more difficult by the fact that we, the Catholics of Ireland, although the vast majority in numbers, are by far the poorest portion of the population. In other countries, as in England, the land is held by those who profess, on the whole, the same religion as the people. But, with us, it is not so. The whole island is practically owned by the minority who differ from us in religion, and, consequently, we are unable, by private benevolence, to supply this want of State endowment.

“ Yet, the efforts which the Catholics of Ireland have made in their poverty, and their persistence in the face of great discouragement, and through every phase of political change, in pressing their demands, are sufficient to prove their earnestness and the importance which they attach to the settlement of this question.

“ As an illustration of the continuous protests of the Bishops of Ireland, and as a full and accurate expression of our views at the present time, we now re-publish the following resolutions, adopted by us on several previous occasions :—

#### I.

“ As regards University Education, we renew the often-repeated protest of the Catholic Bishops, clergy, and people of

Ireland, against the unfair and oppressive system of higher education, established and maintained in Ireland by State endowments in the interests of non-Catholics, and to the grave social detriment of Catholics.

"Catholics demand equality in University, as well as in Intermediate and Primary Education, with their non-Catholic fellow-subjects, in so far as those systems are sustained and endowed by the State. The demand that their educational grievances which have extended over three hundred years, and have been a constant, overgrown, source of discontent, be at length redressed; and they appeal to all sections of Parliament, without distinction of political parties, to legislate promptly, and in a just and generous spirit, in this all-important matter.

"We abstain from formulating the University system which would best satisfy our claims. We will merely observe that these would be satisfied substantially:—

"(a) By the establishment and endowment in an exclusively Catholic, or in a common University, of one or more Colleges conducted on purely Catholic principles, and, at the same time, fully participating in all the privileges and emoluments enjoyed by other Colleges of whatsoever denomination or character;

"(b) By admitting the students of such Catholic Colleges, equally with the students of non-Catholic Colleges, to University honours, prizes, and other advantages; and,

"(c) By securing to Catholics, in the Senate or other supreme University Council of a Common University, should such be established, an adequate number of representatives enjoying the confidence of the Catholic body.

## II.

"As to the system of Intermediate Education, it is keenly felt as unfair to Catholics, that the Catholic members are in a minority on the Intermediate Education Board.

"This unequal treatment of the Catholic body is the more striking and the more obviously indefensible, inasmuch as the pupils of the Catholic schools have for many years carried off far more than 50 per cent. of the Prizes, Exhibitions, and Medals awarded by the Intermediate Education Board.

## III.

"On the subject of Primary Education, we beg especially to call attention to two grievances, which we have repeatedly com-

plained of, individually and at our meetings, and which have been specially set forth in several Official Reports, notably in the Report of the Powis Commission of 1868-70, and in the Report for 1886-87 of the Educational Endowments (Ireland) Commission, as urgently calling for reform.

"We renew the claim so frequently put forward for us by the adoption of the recommendation made in the report of the Powis Committee, in reference to the removal of restrictions upon religious freedom in schools that are attended exclusively by Catholics or by Protestant children, in districts where sufficient school accommodation is provided for all the children, in separate schools, under Catholic or Protestant management respectively.

"We have also to complain that the existing Model Schools, although strongly condemned by more than one Royal Commission, are still maintained, at a heavy expense to the State, mainly for the benefit of middle-class Protestants."

The following additional Resolutions were also unanimously adopted :—

"I. We feel called upon to express our deep regret at the repeated refusals of the Irish Government to allow effect to be given to the Resolutions adopted by the Commissioners of National Education in Ireland, for the amendment of their existing Code by the withdrawal from it of Rules imposing restrictions upon religious freedom in schools in which the maintenance of such restrictions cannot be justified on the score of their serving to protect the interests either of the Catholic or of the Protestant children of the locality in which the schools are situated.

"II. We beg to bring under the notice of Her Majesty's Government the recommendations unanimously adopted by the Royal Commission of 1885-89, that suitable provision be made for the education and maintenance, in denominational institutions, of blind, deaf, and dumb, and imbecile children, three-fourths of the requisite sum being contributed by the Imperial Exchequer and one-fourth from the local rates, it being compulsory on the Poor-law Guardians of each district, on the application of the parents, to send children of those afflicted classes to the institutions provided for the purpose.

We earnestly hope that Parliament will be found willing to give legislative effect to these most useful recommendations of the Royal Commission.

IMPORTANT THEOLOGICAL DECISION BY THE SACRED  
CONGREGATION OF PROPAGANDA

S. CONGREGAZIONE DE PROPAGANDA FIDE. PROTOCOLLO NO. 12074.

OGGETTO. SU ALCUNI DUBBI PROPOSTI CIRCA LA SODDISFAZIONE  
DI UN LEGATO

ROMA, li 30 Aprile, 1895.

EME. AC RME. DNE. MI. OBME,—Huic S. Congregationi expositus est nomine Eminentiae Tuae casus cujusdam Titii Catholici, qui ex testamento legavit censum annuum perpetuum viginti aureorum anglicorum suo parochio ejusque successoribus pro determinato numero missarum annuatim celebrandarum in designata quadam Ecclesia. Cum vero hujusmodi legata a lege civili non recognoscantur nisi ut temporanea, pro primo scilicet legatario, quin ad ejus successores ullomodo transeant; hinc fiscus, mortuo parochio praedicto, considerans censum uti extinctum favore heredum testatoris Titii, repetit ab iisdem taxam legalem super valore census tanquam de propriis eorum bonis, dum antea onus taxae parochio legatario incumbibat. Nunc quaeritur (1) utrum legatum, non obstante lege civili, perduret; (2) et quatenus affirmative, num legato satisfieri possit dando eleemosynam juxta taxam synodalem quae minor est quam legata, alteri sacerdoti extra parochiam; (3) utrum saltem haeres possit retinere ex valore census taxam a fisco exactam.

Jamvero certum est primo legatum perdurare, quum lex civilis non possit ea quae sunt ad causas pias sua auctoritate statuere; ac proinde legatum haeredes obligat juxta tenorem et modum ipsius legati. Ceterum ad casum expositum quod spectat, haeredes in solvendo censu poterunt ab eo detrahare valorem taxae, quam super eodem exsolvunt fisco.

Ego vero manus tuas humillime deosculor.

Eminentiae Tuae humillimus, devotissimus servus.

M. Card. LEDOCHOWSKI, *Praef.*

A. Archiep. LABISSENS, *Scr.*

Dño. Card. Michaeli Logue, Archiepiscopo Armacano.

DECISION OF THE SACRED CONGREGATION OF RITES AS TO  
WHETHER THE CLERGY IN CHOIR SHOULD GENUFLECT  
AT THE "ET INCARNATUS EST" OF THE "CREDO"  
WHILST IT IS BEING SUNG DURING SOLEMN MASS

Cathedralis Basilicae Veliternae Caeremoniarum Praefectus,  
qui juxta constitutiones capitulares curare debet, ut omnia quae

ad ceremonias attinent rite ac recte ab omnibus peragantur, Sacrorum Rituum Congregationi pro opportuna declaratione humillime exposuit, nimirum: In choro diebus festis adsunt, praeter canonicos, Beneficiati et Ven. Seminarii alumni. In Missa solemni, ad *Credo*, omnes symbolum recitant cum celebrante, simulque ad verba "*Et incarnatus est*" genuflectunt. Absoluta recitatione omnes sedent. Cum deinde cantatur praedictus versiculus "*Et incarnatus est.*" Beneficiati et Seminarii alumni sedentes non faciunt ad eadem verba alteram genuflexionem. Et haec praxis duobis abhinc annis obtinet, vi resolutionis sumptae in Collatione Casuum moralium et liturgicorum, habita die 20 mensis Julii anni 1893, praeside Revmo. Dño Episcopo Suffraganeo et Vicario Generali, adstantibus Canonicis, Beneficiatis et Seminarii alumniis qui disciplinis Theologicis vacant, Inde postulavit.

"An servari possit hujusmodi praxis non genuflectendi prout in casu?"

Et Sacra eadem Congregatio, ad relationem infrascripti Secretarii, omnibus attente consideratis, rescribendum censuit; affirmative, juxta Decreta in *Neapolitana* 15 Februarii 1659, et *Maioricensi* 13 Februarii 1677 (1) et praxim.

(1) The following are the answers referred to:—

1. *Neapolitana*, Dubium 2<sup>um</sup>. An, dum cantatur symbolum a Cantoribus, attenta consuetudine, quod ad verbum: "*Et incarnatus est,*" &c. Canonici caput inclinent, reliqui vero inferiores genuflectant, etiam celebrans, si fuerit e numero Hebdomadariorum genuflectere teneatur?

Responsum ad 2<sup>um</sup>. Ad verbum "*Et incarnatus est,*" &c., omnes, nec excepto episcopo, teneri genuflectere, quandocumque stantes incidant in illa verba: "*Et incarnatus est,*" &c., tum si ab ipsis ore proferantur, tum si a cantoribus cantentur; vel etiam si sedeant in ipsa Nativitatis die, necnon in Annunciationis B. Mariae Festo.

Ceteris vero diebus indiscriminatim sedentes omnes, nemine excepto, teneri caput detectum inclinare. Nec so casu locum habere dispositionem ceremonialis quod caput inclinantibus canonicis, inferiores genuflectant.

Maioricea, Die 13 Februarii, 1677.

2. Ad verbum "*Et incarnatus est,*" &c., omnes, nec excepto episcopo, teneri genuflectere, quandocumque stantes incidant in illa verba, "*Et incarnatus est,*" &c., tum si ab ipsis ore proferantur,

tum si a cantoribus cantentur; vel etiam si sedeant, in ipsa Nativitatis die, necnon in Annunciationis B. M. V. festo, ceteris vero diebus indiscriminatim sedentes omnes, nemine excepto, teneri caput detectum inclinare. Nec eo casu locum habere dispositionem Caerimonialis quod caput inclinantibus canonicis, inferiores genuflectant, prout etiam alias resolutum fuit per eandem S. C. in una *Neapolitana* die 15 Februarii, 1659. Et ita decrevit et servari mandavit.

### THE OATH OF MISSIONARY PRIESTS

ILLME. AD RME. DOMINE

Quum in nonnullis missionibus super interpretatione et vi Bullarum *ex quo et Omnium sollicitudinum*, quas Benedictus XIV. f. r. circa iuramentum a missionariis ad Sinensis et Indicas gentes emittendum edebat, sequens exorta fuerit quaestio, "utrum videlicet praeter sacerdotes Europaeos presbyteri quoque indigenae dictum iuramentum praestare teneantur," Sacra Propagandae Fidei Congregatio, cui huiusmodi dubium propositum fuerat, rem totam ad S. Officium deferendam esse censuit. Iamvero, necessariis et opportunis exquisitis in themate informationibus, in Comitibus generalibus fer. IV. diei 29 Maii nuper elapsi habitis praeaudatae Congregationis Emi. ac Rmi. Patres super relato dubio sequens dedere responsum, a SSmo. D. N. Leone PP. XIII. deinde confirmatum, videlicet: *iuxta noviter habitas informationes teneri*. Quam quidem sententiam, cui in posterum singuli cuiuslibet missionis presbyteri, sive Europaei sive Indigenae, fideliter adhaerere debebunt, dum Amplitudini Tuae communico, hac praeterea occasione utor, qua Tibi significo iuramentum, de quo supra, quum semel penes quemlibet alicuius missionis Praesulem fuerit praestitum, semper in posterum fore in suo robore permansurum; adeo ut necessarium non sit ut renovetur, si missionarius ad aliam transeat missionem, alteriusque Superioris fiat subditus; cui tamen testimonium de eodem iuramento praestito exhibere debet.

Interea Deum precor, ut Te diutissime sospitet.

Datum Romae ex Aedibus S. C. Propagandae Fidei die 21 Iunii 1895.

Amplitudinis Tuae,

Addictissimus Servus

M. CARD. LEDOCHOWSKI, *Praefectus*.

✠ F. AUGUSTINUS ARCHIEP. LARISSIN, *Secretarius*

## Notices of Books

**THE CATECHIST: OR, HEADINGS AND SUGGESTIONS FOR THE EXPLANATION OF THE CATECHISM OF THE CHRISTIAN DOCTRINE.** By Rev. George Edward Howe. 2 Vols. Address the Author, Tynemouth, Northumberland.

A GREAT portion of the lives of priests occupied in the active missionary duties of the Church is spent in catechizing children, and instilling into their young minds the doctrine of salvation. As there is scarcely any occupation more consoling to the priest himself, or more fruitful in good results for the youth instructed, so there is none that requires greater care, thought, and study, than the efficient discharge of this most important duty. Whatever helps to illustrate the truths of Christianity, to make them clearer and more perceptible to youthful minds, to impress them with sufficient emphasis, and present them in language suited to the capacity of the hearers, is eagerly sought after by those who are most in earnest in this department of their ministry. To the number of works already in existence to help the clergy to impart a full and correct knowledge of the teachings of the Catholic Church, *The Catechist* is now added. It is a work exclusively for the teacher. It takes, in order, the questions and answers of the Catholic Catechism in use in England, and in connection with each answer it supplies a number of headings and suggestions, of Scriptural texts and stories illustrative of the text which, we venture to say, will be found exceedingly useful to priests on the mission. The work must have taken years of labour and thought to compile. The divisions and subdivisions of subjects are most useful, and the hints for explanation are exceedingly suggestive to one who has read a serious course of theology. They will be found useful and suggestive, not only for the instruction of advanced classes in Catechism, but even for the preparation of short sermons and instructions for the people. We think this a good book, and recommend it without hesitation. It has the *imprimatur* of the Bishop of Hexham and Newcastle, and the author is, we believe, his own publisher.

**THE ERASMUS SMITH ENDOWMENT.** By the Rev. David Humphreys, P.P. Dublin: Sealy, Bryers, and Walker, 1895.

In this pamphlet Father Humphreys expounds, in clear and forcible language, the claims of the Catholic tenants on the

Erasmus Smith property in Tipperary and Limerick to their proportionate share of the endowment of over £6,000 per annum, originally devised for the free education of their children. From the instruments of the foundation—an indenture drawn up by Erasmus Smith in 1657, Letters Patent directed by Charles II. in 1667 to the original trustees, and a Charter incorporating a governing body of thirty-two members, granted by Charles II. in 1669. Father Humphreys argues that the substantial and paramount intention of Erasmus Smith was to relieve his tenantry and advance their interests by educating their children and instructing them “in the fear of God and good literature,” and that whatever directions are contained in these instruments or elsewhere as to the bringing up of the children so educated in the Protestant faith were altogether secondary, accidental, and dictated by the laws and the spirit of the times, leaving the testator no option. The laws and the spirit of the times having now changed, Father Humphreys maintains that the paramount and substantial intention of the testator should be carried out, and that the secondary and accidental dispositions should be interpreted in the light of the changes that have since placed Catholics on an equal footing before the law with all other subjects of the realm. Father Humphreys shows that this principle has been practically acknowledged by the Erasmus Smith Board itself by the adoption of the Conscience Clause of the Intermediate Act, directing that no boy attending their schools should be obliged to receive Protestant instructions if his parents or guardians should object; and later still, by Lord Justice Fitzgibbon, when he declared his willingness to frame and sign a Draft Scheme giving £2,000 a year for the technical education of the tenants without any religious test.

The document on which the Protestants mainly rely to prove that the private intention of Erasmus Smith, as distinguished from the intention and direction of the laws then in force, was a proselytizing one, is a letter alleged to have been written by Erasmus Smith on the 6th of June, 1682, addressed to the Governors of his Institute, in which he is represented as saying: “My end in founding these schools was to propagate the Protestant faith according to the Scriptures, avoiding all superstition, as the Charter and the bye-laws, and the rules established, do direct. Therefore, it is the command of his Majesty to catechize the children out of Primate Usher’s



catechism, &c." Father Humphreys argues, in the first place, that this document, even if it were genuine, would not prove the Protestant contention that Erasmus Smith was free from all coercion in the disposition of his property; but, further still, he maintains that this document was a forgery. In support of this latter assertion, he gives two arguments, for which we must refer our readers to the pamphlet itself, and leave them to judge whether they regard them as conclusive. In unqualified language Father Humphreys censures and condemns the Catholic head-Masters of Ireland for having sent their advocate, Mr. Carton, Q.C., before the Educational Endowments Commission in 1886, to plead that the intention of Erasmus Smith had become impossible, his tenants having, in the great majority, remained Catholics; that the endowment should now be devoted to educational purposes throughout Ireland; and that his clients, the Catholic head-Masters, should get their share of it. This proceeding Father Humphreys regards as most unfortunate in every respect, but particularly unfair to the Catholic tenants who have kept their faith in spite of all temptations. Father Humphreys accuses Lord Justice Fitzgibbon, in several places, of "shifting," and contradicting himself in his different rulings in order to preserve this rich endowment for his Protestant friends; and, certainly, if we are to judge from the evidence he adduces, he seems to have made a strong case against that astute and accomplished strategist. He seems, on the other hand, to have won over Judge O'Brien almost completely to his views. His pamphlet is closely reasoned, and pleads most earnestly for the poor tenants on the Erasmus Smith Estate. It would be difficult for them to find an advocate more zealous, more determined, or better equipped in their cause. His intimate knowledge with the general history of the periods with which he has to deal is as striking as the care with which he turns to account every item of information that can help him in his contention.

J. F. H.

GEOFFREY AUSTEN, STUDENT. Dublin: M. H. Gill & Son, 1895.

THIS is quite an uncommon book, and deserves attention, not only because it presents a curious and unusual picture of college life, but also because, underneath the outward features of the tale, it seeks to convey a lesson of the first importance to the Catholic youth of Ireland and to their masters. Being a work of

fiction, a good deal of allowance has to be made for the imagination of the author, and readers of the book will find that this allowance must be drawn upon to the full, if it is not completely exhausted, before they have got through half its pages. There is so much that is unreal and extraordinary about Mayfield College, that it cannot be regarded as anything like a specimen of the modern intermediate school, or, indeed, in all its outlines here depicted, of any class of school, under clerical management, in this country.

That some of the main characteristics of college life at Mayfield might be found, at one time or another, and to a limited extent, in Catholic educational establishments in Ireland, we freely admit; but that this fictitious institution could be taken as representing the Irish Catholic College in general, we entirely deny. Such a character as "The Grinder" in a college with a priest at its head, is quite out of the question. A man so debased as to encourage in their wickedness a pack of young scapegraces in a Catholic school of which he had the direction, whilst he showed unquestionable hostility to the good and innocent boys under his care, is too extravagant even for fiction. The eloquent speeches of Mr. Dowling, the classical tutor, are, we fear, too sublime, even for a pedagogue. The characters of Mr. Ferris, the Dominie Sampson of the story, and of Herr Messing, are well drawn; but the spectacle of a French student at this strange Catholic academy, taking his daily ride about Dublin, and fighting a duel with swords, in the college grounds, with young O'Dell from Galway, the ringleader of the college blackguards, is, to say the least of it, not one of the commonplaces of college life in Ireland. The author, of course, has an object in view, a deduction to make, a moral to preach, a lesson to impart to all whom it may concern; and, in order to make this lesson the more impressive, he has to mould his characters out of the common, possibly to exaggerate their defects or to expand their merits, to move them and make them act, so that his conclusion may be the plain result of their ways and habits and intercourse with one another. This, probably, accounts for the general unreality of the picture, a characteristic which, in its turn, may affect our opinion considerably as to the truth of the inference drawn from it.

{That there may have been neglect, serious neglect, of the religious element in the training and instruction of our Catholic youth in some of our Catholic colleges, is, we fear, only too true. It is a great fault.

a radical mistake, for which Ireland must surely suffer in the long run, if it were to become general, and to find a permanent recognition in our system. There could, in truth, be nothing more dreadful and shocking than to turn out a youth from one of our Catholic colleges after two or three or four years study, and send him to face the battle of life in the Civil Service, in the Army, in pursuits of Law and Medicine, with no greater store of Christian knowledge than he can acquire by an occasional lesson from the penny catechism, no other fund of piety or reserve of religious training than he obtained at his mother's knee. Those who make themselves responsible for a system of this kind do an incalculable injury to all the best interests of the youth committed to their care. We are inclined to believe that they are few and the exception; but no matter how small the number, the author of this work will have done no slight service if he succeeds in reducing them to complete extinction. He would, however, do the reverse of a service, if he were to get people to believe that Mayfield College is a type of the general class, or even of a large section, of our Catholic colleges.

From a literary point of view the work has, in our opinion, excellent qualities to recommend it. There are some descriptive passages of great beauty, and the general narrative shows that the author is a man of vivid imagination and of wide culture. He has also one of the greatest gifts to which a novelist can lay claim, the gift of insight into human nature, and the power of exciting sympathy or dislike for the characters he creates. For notwithstanding the unreal nature of much that he presents to us, there are here and there glimpses of the genuine reality, of youth as it is, of life as it is lived, in many of the cold establishments to whose keeping our boys are committed. It is a pity there is not more of this: for it is the most enjoyable part of the work. Nevertheless, one becomes attracted to Geoffrey Austen from the beginning, and becomes anxious to see how he fares as far as he goes. Seeing that, in all probability, the exaggerated characteristics which we have noticed, were not altogether unintentional on the part of the author, we think that he may well be congratulated on having produced a good book, with a good purpose, and on having given it to us in a style and spirit that do him credit.

J. F. H.

**ANNALS, ANECDOTES, TRAITS AND TRADITIONS OF THE IRISH PARLIAMENTS, 1172 TO 1800.** By J. Roderick O'Flanagan, B.L. New Edition. Dublin: M. H. Gill & Son.

IN these pages Mr. O. Flanagan has endeavoured to trace the history of the Irish parliaments, to show how their independence was restricted by Poynings' Law, and by the English statute of George I., and how it was reasserted and recovered in 1782; and, finally, how it was corruptly purchased at the time of the Union. Mr. O. Flanagan is a Home Ruler, and his work is full of the hope that Ireland may soon again enjoy the protection and glory of a native parliament. His preface reads curiously in view of recent events: for his work is a reprint; and at the time it first appeared, Mr. Gladstone had just won the elections with a Home Rule programme, and was engaged preparing his "Bill for the Better Government of Ireland." All that is changed now; and yet Mr. O'Flanagan's book loses none of its interest. Without any pretence to literary perfection, and indeed with only a very poor title to literary excellence, this volume has many attractions. It condenses into the space of about two hundred pages a good deal of the most interesting historical facts relating to Ireland. It traces the origin and development of the Irish parliamentary system, from the days when Henry II. was acknowledged sovereign of Ireland down to the times of Grattan and Castle-reagh. But the severe succession of events is frequently relieved by some sprightly anecdote or tale which help to enliven the narrative, and make it light and enjoyable reading.

# THE IRISH ECCLESIASTICAL RECORD

DECEMBER, 1895

ST. ALPHONSUS, AS PREACHER

**I**N an age in which the enemies of the Church are using to the fullest extent voice and pen, we priests cannot stand idle. "Vae mihi," says St. Paul, "si non evangelizavero."<sup>1</sup> And we may well say, woe to the world, woe to ourselves, if we remain idle while the enemy is up and busy; if we sleep while he watches; if there be no cry of alarm from the watch-tower while the army of Lucifer boldly approaches the city. We must be up and doing: we too must to the fullest extent use our voice and our pen.

Now, what is there more efficacious to stir us to our duty, if we be slow, or, if faithful, to press us to do still more, than the consideration of the heroes of our priesthood? We have so many who are at once our honour, our models, and our helpers. We will choose one who almost touches our own times, whose internal difficulties were greater than ours, and whose success will encourage us: we choose St. Alphonsus Maria di Liguori. "Efficacius," says St. Peter Damian, "modernorum cohortant exempla quam veterum, et, magnae confusionis pudor est, si cum sanctis viris in una simul aetate viventes in rectae conversationis studio in aliquo non reperiamur aequales." We may not, indeed, be able to imitate St. Alphonsus in all things, for much in his life is far beyond ordinary reach, but we should strive to imitate him in something: "In aliquo." "Quos," says

<sup>1</sup> 1. ad Cor. ix. 16.

St. Bernard, "veneratione prosequimur etiam simili conversatione sequamur."<sup>1</sup>

Pius VII. in the decree, *Tuto procedi posse*, for the beatification of Alphonsus, calls him: "Militantis Ecclesiae stella, quae voce et scripto in media saeculi nocte errantibus viam ostendit." If not called like this holy doctor to enrich the Church with "scriptis sacrae eruditione et pietate refertis,"<sup>2</sup> we certainly are called to help the Church *voce*; i. e., by our preaching. Should not the words applied by Holy Church to the saint be verified in every priest: "Animarum zelo succensus . . . divini verbi praedicatione animas Christo lucrificare et ad perfectiorem vitam adducere studuit"? Most priests know of Alphonsus as a writer; few, we venture to say, have studied him as a preacher; and yet in this he is in a special manner our model. He had been an indefatigable preacher for a quarter of a century before he had written his *Visits to the Blessed Sacrament*, which was his first book. We will strive to contribute something to this study, which we hope the editor will find sufficiently useful to communicate to the readers of the I. E. RECORD.

We will first consider St. Alphonsus as a preacher, and then see in what we can and ought to imitate him.

#### I. ST. ALPHONSUS, AS A PREACHER

We may say, in general, that gifts of nature, favourable circumstances, and grace combined in the formation of Alphonsus as an orator, first in the courts of justice, and then in the chair of truth.

He was endowed by God with a mind of surpassing clearness, with a memory which was scarcely ever at fault, with a voice clear, agreeable, touching, powerful; with a winning manner and most graceful action. The endurance of his vocal organs was quite extraordinary. His voice never failed even in the longest course of missions, and retained its power even in old age. Gifts, however, do not suffice of themselves; they need cultivation. For this the circumstances of Alphonsus could scarcely have been more

<sup>1</sup> *Sermon in Fes.*

<sup>2</sup> *Offic. die 2 Aug.*

favourable. He was born of parents doubly noble, by blood and by virtue. His mother, a lady of great intelligence, herself superintended his early education. Later, his father left nothing undone to cultivate the gifts of his most talented son. Alphonsus had put at his disposal the first tutors of Naples, and in profiting of his opportunities he gave proof of that marvellous industry which became afterwards a leading characteristic of his life. His progress, as might have been expected, was quite extraordinary. And yet there is need of something more than gifts and favourable circumstances for real greatness. Have we not seen men who have had both, and never became great in any walk of life? And why? Vice had corrupted their hearts. It was Alphonsus' supreme privilege that grace had ever guarded him and quickened his studies. He was innocent, pure, noble, generous, single-minded, industrious, firm in his purpose, yet ever humble, and therefore docile to his tutors and to his father.

It is, then, no wonder that at the early age of sixteen he won with distinction his Doctorate, and that before he was twenty he had reached the summit of his profession in knowledge and eloquence. He was an honour to his illustrious family, the pride of his masters, and the delight of the judges before whom he pleaded. And all this time unnoticed by human eye, unknown to his father, never dreamt of by his admirers in the legal profession, the training by which God was preparing him for the Christian pulpit, was going on.

There is no need to dwell on what he calls his "conversion," nor on the ardour with which he devoted himself to the study of theology and Holy Scripture. We will at once apply ourselves to the consideration of the things which entitle him to the name of a great preacher. We can put all we have to say, under the very unpoetic headings of *quantity* and *quality*.

1. *Quantity*.—Alphonsus was ordained Deacon on the 6th of April, 1726. The Cardinal Archbishop of Naples, knowing his zeal and rare talent, gave him faculties to preach to all classes, and in all the churches of the

city. He did not hide either his talent or his faculties in a napkin, but at once began to use both. He preached his first sermon in the parochial church of St. Giovanni in Porta, on the occasion of the Quarant 'Ore. He took for his text : "Utinam disrumperes coelos et descenderes . . . aquae arderent igni." "And in truth," says Father Tannoja,<sup>1</sup> "his audience did see the waters set on fire. He brought home to them, with burning zeal and fervour, the love which Jesus Christ bears to men, and how great, how monstrous, is the ingratitude of men towards God." Scarcely a day passed in which he did not preach in some church, and such was the vehemence of the spirit which animated him, and the solidity of his doctrine, that all rushed to hear him. His zeal, and the success that attended his preaching, induced the Cardinal Archbishop to grant a dispensation from the usual interval, and to call him at once to the priesthood. He was ordained priest on the 21st of December that same year. Once a priest, there seems to have been scarcely any limit to his zeal. "Factus sacerdos," as we read in the lessons of his feast, "tanto zelo irruit in vitia, ut apostolico munere fungens huc illuc pervolans, ingentes perditorum hominum conversiones perageret." He began his career as preacher early in 1726, and he ceased to preach only in 1782. Thus he preached for fifty-six years. In this he has had few equals, and if we take into account the number of times he preached, he has scarcely any equal. It was rare that he preached less than three or four times a week, and for thirty years he preached twice, and even three times, a day. The pulpit from which he was accustomed to preach on Saturdays on the virtues of the Blessed Virgin is kept as a precious relic at St. Michael's Pagani, and near it we read on a marble slab :—

IN HOC SUGGESTU  
S. ALPHONSUS  
SPIRITU DEI PLENUS  
ZELO ANIMARUM INFLAMMATUS  
AD EXTREMAM USQUE SENECTUTEM  
EST CONCIONATUS.

He preached to every class, to priests, religious, nobles,

<sup>1</sup> *Life*, b. i., c. 10.



gentlemen, the married and the single, to children, and to members of confraternities. He preached as secular priest, as missionary, as bishop. At all times he looked upon himself as sent especially "to preach the Gospel to the poor, and to heal the contrite of heart." "Directus divinitus in poenitentiam gentis et in diebus peccatorum corroboravit pietatem."<sup>1</sup>

If, then, it were merely a question of *quantity*, we could fearlessly conclude that St. Alphonsus was indeed a great preacher; but it is much more a question of *quality*, and this we will now consider.

2. *Quality*.—We may, without any inconsistency, judge Alphonsus by his own tests or rules, for these are rather a compendium of the teaching of others than any special formulation of his own. Now, he requires in a preacher:—(1) holiness of life; (2) solidity of doctrine, or good matter; (3) careful disposition of matter; (4) a simple and popular style; (5) a good delivery.

Let us first see how in these rules he gives the teaching of others. The Council of Trent imposed on bishops the obligation of not approving of priests for the office of preachers, "Nisi prius de vita et scientia et moribus probati fuerint."<sup>2</sup> St. Charles Borromeo lays down: "Concionator sit victu temperatus et parcus . . . familiaritatem et consuetudinem laicorum valde evitet . . . foeminas ad colloquium ne introducat."<sup>3</sup> St. Gregory says: "Cujus vita despicitur, quid restat nisi ut prædicatio contemnatur?"<sup>4</sup> But far stronger are the words of the Canon Law: "Bene vivendo et bene docendo populum instruis quomodo debeat vivere; bene autem docendo, sed male vivendo Deum instruis quomodo te debeat condemnare."<sup>5</sup> St. Thomas gives us, as the qualities of a preacher, purity of intention, which belongs to holiness; solidity and clearness, which belong to doctrine, disposition, and style. "Tria," he says, "debet habere predicator verbi divini: primum est stabilitas,

<sup>1</sup> *Office die 2 Aug.*

<sup>2</sup> *Sess. V., c. 2, De Refor.*

<sup>3</sup> *Act. Eccl. Med.*, p. 300.

<sup>4</sup> *In Evang. Hom.* xii.

<sup>5</sup> *Can. Multi. Dist.* xl.

ut non deviet a veritate ; secundum est claritas, ut non doceat cum obscuritate ; tertium est utilitas, ut quaerat Dei laudem, non suam.”<sup>1</sup>

As to the matter, the teaching of the Angelic Doctor and of the Council of Trent is summed up in a few lines in the admirable Letter published by order of his Holiness Leo XIII., on the 31st of July, 1894.<sup>2</sup> “It is clear,” the Letter says, “that the commandments of God, the precepts of the Church, and the sacraments, virtues and vices, the duties of persons of different states of life, the last things (*i novissimi*), and other eternal truths should form the ordinary matter for preaching.” The Letter also indicates the source from which the preacher should draw this matter, where it says that the principal fountain from which sacred eloquence should be drawn is the Holy Scriptures, and where it condemns preachers who, instead of drawing their eloquence from the *fountain of living waters*, by an intolerable abuse go to the cisterns of human wisdom, instead of using texts divinely inspired, or words of the holy fathers and councils, and who cite in superabundance profane authors and modern writers, even those still living. And with what effect? They draw crowds, indeed, by high-sounding words on *progress, nationality, modern science*, but their hearers are not converted: “Mirabantur sed non convertebantur.”

As to style and delivery, St. Isidore says that the style of a pastor of souls should be simple and graceful: “Hujus sermo debet esse simplex, apertus, plenus gravitatis et honestatis, plenus suavitatis et gratiae.”<sup>3</sup> St. Augustine uses simple language, lest he should take the virtue out of the cross of Christ: “Non praesumam unquam sapientia verbi, ne evacuetur crux Christi: scripturarum auctoritate contentus, simplicitati potius obedire studeo, quam tumori.” And in another place: “Agit (concionator) quantum potest ut intelligatur et obedienter.” “Tam apertus,” says St. Thomas, “debet esse sermo docentis ut ab intelligentia

<sup>1</sup> In Math. 33.

<sup>2</sup> *Lettera Circolare Sulla Predicazione.* Cf. I. E. RECORD.

<sup>3</sup> *Contra Felic.*, c. 2.

sua nullos, quamvis imperitos, excludat." Popular eloquence, according to Muratori, requires a lucid enunciation of doctrine in a style so clear and familiar, that each one in the audience may be able to understand it. In fine, when we preach, the human element necessarily predominates; we are men, and we speak to men; nevertheless our sermons are called with good reason, *the word of God*; hence ought we not in our spoken word to approach as closely as we can to the simplicity of the Written Word?

We have shown sufficiently how correct are the tests given by St. Alphonsus, and we will now apply them to himself. The application can present no difficulties, for the saint, to use the words of St. Luke, imitated our Blessed Lord in practising before he began to teach: "*Coepit facere et docere.*" He had been so exact in all that belongs to apostolic preaching, and, that for fully forty years, he had been so careful in noting the strong and weak points which he observed in preachers, that it cost him but little to give lessons in, and to write on sacred eloquence.

But let us come to particulars. There is no need to prove the *holiness of life*, and the *solidity of doctrine* of one who is a *saint*, and a *Doctor of the Church*. He laid the foundations of holiness and science in his youth, and he laboured constantly at both to his last breath. His holiness and science have been praised by all the Popes from Benedict XIV. to Leo XIII., and we all invoke him in the striking words: "*Ut ejus monitis edocti et exemplis roborati, ad Te pervenire feliciter valeamus.*" Pope Gregory XVI., in granting a Plenary Indulgence for the feast in which we recite this prayer, calls him one of the greatest lights and ornaments of the Church: "*Maxima inter Catholicæ Ecclesiæ lumina et ornamenta, Sanctus Alphonsus Maria de Liguorio refulget, qui doctrina et sanctitate insignis, summaque caritate incensus, miris omnium virtutum exemplis ac plurimis doctissimis et pientissimis operibus, Dei Gloriæ et spirituali hominum salutis unice serviens, post vitam sanctissime exactam, jam coronatus possidet palmam et coram Deo in coelo triumphat.*"<sup>1</sup>

<sup>1</sup> Cf. *Vie*, par Cardinal Villecourt, lib. vi., cap. ii.

With such testimonies there is, indeed, no need of further proof of the holiness and science of St. Alphonsus; but it will be useful to call to mind that we have the fruits of his holiness, science, and long experience in works written for ourselves. Here we will refer only to three which belong to our subject; namely, *Dignity and Duties of a Priest, Preaching, and Sermons for Sundays*.<sup>1</sup> Of the first His Eminence Cardinal Villecourt writes: "We know of no work more useful to priests, who have at heart their own sanctification, and the faithful discharge of their sacred ministry."<sup>2</sup> The second is a complete work on apostolic preaching, and the same Cardinal, holding up St. Alphonsus as a model, begs his clergy to ever preach the word of God with that simplicity which helps so efficaciously to destroy the reign of sin, and to extend the kingdom of Jesus Christ in souls. Having spoken approvingly of *Sermons for Sundays*, his Eminence concludes: "We know from our own certain knowledge, that whoever has worked on the plans proposed by St. Alphonsus, has found in them a rich mine of solid doctrine, and quotations of marvellous richness, which in the hands of one who has the spirit of God, and does not fear the necessary labour, become as darts of fire which light up and penetrate souls."<sup>3</sup> But to come nearer home, we know a *soggart aroon* who never appeared in the pulpit without moving the learned and ignorant alike. When asked where he got his sermons, he answered; "*I find all in Liguori.*"

St. Alphonsus has, then, left us abundance of solid matter, which was the fruit of experience and labour during fifty years.

The third requisite for good preaching is a *careful disposition of matter*. This seems to us to be the place to explain an obvious difficulty. It is said that St. Alphonsus

<sup>1</sup> We have taken the titles from the centenary edition of the saint's works. This is the only complete edition in English. The works referred to are vols. xii., xv., xvi. For convenience, all references will be to this edition.

<sup>2</sup> *l.c.*, Art. ix.

<sup>3</sup> *l.c.* Art. viii.

has given us no set or formal sermons. This is not quite correct; but it is true he had no intention of doing so. He wished to do two things: to supply abundant matter on every ecclesiastical subject, and to give the best and most practical rules of sacred eloquence. He held that a priest should make his own every sermon he preaches. He says, speaking of his book on *The Dignity and Duties of a Priest*: "This is not a book of discourses . . . but a collection of materials arranged under headings; the preacher will find therein superabundant matter, but not discourses in regular form; he can choose his authority, the doctrine and the ideas that please him most; he will then give the matter thus selected the order and form which seems best to him, and in this way make it *his own*; for experience proves that it is difficult for a preacher to express with warmth and spirit sentiments which he has not first made his own."<sup>1</sup>

Again, speaking of his *Sermons for Sundays*, he says: "I give sufficient matter for each sermon . . . but I deliberately abstain from development, in order that the composer may treat the subject according to his own good pleasure . . . for a preacher can only with difficulty deliver a discourse which he has not in some manner made his own."<sup>2</sup> There is need of these *monita*; for the collections with which St. Alphonsus has provided us are not a dry heap of texts; they are, indeed, so admirably concatenated, that not only is the reading pleasant, but the discourses at first sight seem complete. It would be easy to show how the collections are the work of a practised orator to whom the precepts of Christian eloquence had become quite natural. We find, without difficulty the general proposition, the connection, the particular proposition, the proof, the order of arguments, the practical conclusions.

But, to convince ourselves fully of the mastery of this sacred art which the saint possessed, it would be necessary to study either his long treatise on preaching, or his shorter compendium of the same. In the former, the chapters on

<sup>1</sup> Vol. xii., Introd.<sup>2</sup> Vol. xvi., Introd.

Sermons<sup>1</sup> and Instructions<sup>2</sup> are the most useful. The compendium is found at the beginning of the *Sermons for Sundays*. Let us take from this a few sentences, as a specimen of clearness joined with brevity :—

“ 2. *The Proof*, which comprises the body of the discourse, should be a perfect syllogism, without appearing to be so. The major proposition should be proved . . . when the major requires proof . . . before passing to the minor, and the minor before we pass to the conclusion. The order of proofs, speaking generally, will be: first, the authority of Holy Scripture and of the holy fathers; then, arguments from reason, which will be followed by illustrations and examples. The texts of Scripture should be given in an impressive and emphatic manner. It is better to explain thoroughly one or two texts than to cite many without showing their force. The citations from the fathers should be few, brief, full of energy, but never trivial. As to proofs from reason, a strong proof first, the strongest last, the weaker in the middle.”

Always eminently practical, he adds :—“ I say, generally, for it will be well sometimes to change this order: this is a matter for the discretion of the preacher.” In all that he has written on preaching, there is ever the ease and clearness of a master. We have, however, yet to consider *style* and *delivery*.

As to *style*—we can barely touch the subject. An historical dissertation would be necessary to show the difficulties with which he had to contend, owing to the wordy bombastic preaching still commoner in his day than in our own times. There were then also on the other hand, as there are now, preachers who sinned by defect, making no preparation at all. St. Alphonsus, we have seen, did not belong to the latter; and as to the former, with all his talent, with his vivid imagination, with his perfectly cultivated taste in all the arts, with his familiarity with what was best in the literature of his country, he never, not even once, allowed himself to be betrayed into the fashionable mode of preaching. On the contrary, he struck out for himself from the very beginning a style which was clear, simple, popular, and apostolic in the full sense of the

<sup>1</sup> Vol. xv., c. vii.

<sup>2</sup> *Ibid.*, p. 349.

word, for his Master was Jesus Christ. His ambition was to work for Him, and by Him, and like Him. Hence the words of St. Isidore, St. Augustine, St. Thomas, and of the Circular Letter cited above were verified in him. According to those who had seen and heard him, "the word of God had a force quite extraordinary in his mouth."<sup>1</sup> "His style was pure, simple, clear, full of gravity, of unction, and of grace."<sup>2</sup> While ever keeping to a marvellous simplicity and an absolute absence of affectation, when the good of souls required it he could be truly sublime. His figures, his illustrations and parables, his descriptions, would elevate, instruct, and delight his hearers. How this simplicity of style was a power in his hands, when he wished to be tender, is easily understood; it was not less so when he wished to be terrible; at all times it was the most natural medium of the earnestness which marked all his preaching. His style pleased. But this was not enough; his style moved his hearers to do what he desired; and this is the true end of oratory.

*Good delivery.*—But a well-prepared discourse, to have its legitimate effect, must be well delivered. It is true that in this respect St. Alphonsus was blessed by nature; but we should never forget that in him art perfected nature; he carefully cultivated his voice and action. It was his delight, when he could spare the time, to give lessons to the young priests of his congregation on delivery, and they had to preach in his presence their sermons before they appeared in the pulpit. When he could not give these lessons himself, the matter was of so much importance in his eyes, that he appointed a father of much experience to do so.<sup>3</sup>

We have thus far applied to St. Alphonsus the tests with which he himself has supplied us. Let us in a few lines judge the tree by its fruits:—"By their fruits," says our Blessed Lord, "you shall know them." The success which followed the preaching of the saint everywhere is commemorated in the Lessons for his Feast, and in almost every official document connected with him which has emanated from the Holy See. His humility did not blind him to the fact that God's most special blessing accompanied

<sup>1</sup> Tannoja, *Life*.      Berruti, *Lo Spirito di S. Alf.*      <sup>3</sup> Cf. vol. xv., p. 215.

his words. "The occasions," says Father Berruti, "were continual, demands on him came from every quarter ; the ardour of his zeal pressed him forward, seeing as he did, the blessings which followed his preaching. Hence, whether strong or weak, free or oppressed with work, he not only never refused to preach, but even yearned to discharge the duties of so great a ministry." "His words," said a religious who heard him preach, "are like shafts from an arrow, which pierce you, and pass into the centre of your heart." And St. Alphonsus himself, in a private letter, shows what, in reality, was his own success, without intending to do so.

"When [he writes] we begin a mission, the greater number of the people are at enmity with God, and deprived of His love ; but five or six days have scarcely elapsed, when, behold, numbers, as if roused from a deep sleep, begin to listen to our exhortations, instructions, and sermons, and when they see that God offers them His mercy, they begin to weep over their sins, and conceive the desire of being reconciled with Him ; the way of pardon is opened before them ; a new light begins to shine upon them . . . they think of going to confession, to remove from their souls those vices which kept them separated from God . . . so that when a mission is over, we leave in the place two or three thousand persons to love Almighty God who before were living at enmity with Him, and not even thinking of recovering His grace."<sup>1</sup>

Such wonderful transformations always followed in the missions preached by St. Alphonsus.

There is one other point which deserves special mention. The saint spent a considerable time in prayer before he preached. This he did ordinarily in the church before the Blessed Sacrament ; so that he was so full of love of God and his neighbour, that scarcely had he made the sign of the cross when his audience became moved by grace.

We have, as far as we could trespass on the valuable space of this review, shown that St. Alphonsus was indeed a great preacher. By his industry he profited to the fullest extent of his gifts. He possessed all that we should look for in a great preacher : holiness of life, solidity of doctrine, perfect disposition of matter, simplicity of style, and an excellent delivery. The immediate fruits of his preaching

<sup>1</sup> Vol. xv., p. 14.



were extraordinary; but more extraordinary still are the fruits of his works on sacred eloquence, which he bequeathed to the priesthood, of which he was and is so bright an ornament: "Mortuus adhuc loquitur." Let us then see in what we should imitate him.

## II.—IMITATION OF ST. ALPHONSUS

(a) Those who are preparing for the sacred ministry, or who are not as yet practised preachers, will strive to imitate him in the care with which he prepared himself for the sacred office of preacher. You may have less gifts than Alphonsus—these do not depend on you—but strive to imitate his industry. Take to heart his advice, especially if you be one of those who tempt God, who dare to enter the pulpit without preparation. "Let the young preacher," he says, "take care to develop and commit to memory his sermons before he delivers them from the pulpit. To preach *extempore* is useful, inasmuch as the discourse becomes more natural and more familiar. This, however, is not the case with young men, but only with those who have been in the habit of preaching for many years; otherwise, young men would contract the habit of preaching at random, saying whatever occurs to them, without order or arrangement."<sup>1</sup>

(b) Like St. Alphonsus, we should ever strive to grow in holiness, that our works may be a confirmation of our words, and that the people may never be able to say with truth to us: *Medice, cura teipsum*.

(c) Like St. Alphonsus, we should choose practical subjects, arrange the matter according to the rules of sacred eloquence, pay great attention to simplicity of style, and deliver our sermons so that we be both heard and understood. The number of priests, whose sermons are lost for want of careful delivery, is very considerable. They speak, they are not heard; and if heard, not understood; and there is no one who has the charity to tell them their faults.

(d) Like St. Alphonsus, immediately before our sermons we should refresh our memory, and spend some time in prayer; and, if it can be done, in the presence of our Divine Master hidden in the tabernacle.

<sup>1</sup> Vol. xvi., p. 19.

(e) Having done all that is in our power to prepare a perfect sermon, let us then, like St. Alphonsus, humble ourselves before God, and put all our trust in Him ; calling to mind the words of the Holy Doctor : “ Si faciamus pro Deo quod possumus, Deus pro nobis faciet quod non possumus ; contra, si id quod possumus negligimus, nec Deus pro nobis id faciet quod non possumus . . . spem omnem non in industria nostra, verum in Deo collocare debemus.”

(f) Finally, if we believe before God that our sermons are defective in any or in many of the points we have considered in this article, or if there has been a neglect of duty to the extent of not preparing at all, then let us take seriously to heart the words of St. Alphonsus : “ If *all preachers* and all confessors discharged the duties of their office as they ought, the whole world would be sanctified. *Bad preachers* and bad confessors are the ruin of the world ; and by *bad*, I mean those who do not discharge these sacred duties as they ought.”<sup>1</sup>

We will conclude by making the following words of the saint our own :—

“ I will trespass on you no longer . . . but I beg of you to join with me in the following prayer : ‘ O Saviour of the world, who art little known, and less loved by the world, and this especially through the fault of Thy ministers. Thou didst give Thy life for the salvation of souls. I beseech Thee, through the merits of Thy Passion, to enlighten the minds and inflame the hearts of so many priests, who might convert sinners and sanctify the entire world, if they preached Thy word with humility and simplicity, as Thou and Thy disciples preached. But, alas ! they do not do so ; they preach themselves, and not Thee ; and thus the world is full of preachers, and nevertheless hell is every day being crowded with souls. O Lord, repair this mighty ruin which preachers cause to Thy Church, and . . . I pray Thee, as an example to others, to humble by some visible sign those priests who seeking themselves, adulterate Thy holy word, that they may amend, and no longer be an obstacle to the spiritual profit of Thy people. Thus I hope, thus I pray.’ ”<sup>2</sup>

J. MAGNIER, C.SS.R.

## THE LAW IN ITS RELATION TO RELIGIOUS INTERESTS

### XII. THE BOARD OF CHARITABLE DONATIONS AND BEQUESTS IN IRELAND—(*concluded*)

**T**HE Statutes determining the constitution, procedure, and powers of the Board of Commissioners are the following:—

1. The Charitable Donations and Bequests Act (Ireland), 1844 (7 & 8 Vict., cap. 97);
2. The Probates and Letters of Administration Act (Ireland), 1857 (20 & 21 Vict., cap. 79);
3. An Act of 1861 (24 & 25 Vict., cap. 111), amending the Act of 1857;
4. The Charitable Donations and Bequests Act (Ireland), 1867 (30 & 31 Vict., cap. 54), amending the Act of 1844;
5. The Charitable Donations and Bequests Act (Ireland), 1871 (34 & 35 Vict., cap. 102), amending the Acts of 1844 and 1867;
6. The General Prisons (Ireland) Act, 1877 (40 & 41 Vict., cap. 49);
7. The Leases for Schools (Ireland) Act 1881 (44 & 45 Vict., cap. 65);
8. The Educational Endowments (Ireland) Act, 1885, (48 & 49 Vict., cap. 78); and
9. The Open Spaces Act, 1890 (53 & 54 Vict., cap. 15).

#### § 1. THE BOARD: ITS MEMBERS, OFFICIALS, AND PROCEDURE

The Board, as incorporated under the Act of 1844, was to consist of the following:—

- The Master of the Rolls in Ireland;
- The Chief Baron of the Court of Exchequer in Ireland;
- The Judge of the Prerogative Court in Ireland; and
- Ten other persons, to be appointed by the Crown, by warrant under the Sign Manual, “of which ten persons, five, and not more than five,” should be Catholics.

The Prerogative Court no longer exists. By “The

Probates and Letters of Administration Act (Ireland), 1857," the jurisdiction of that Court in reference to the granting of Probate of Wills, or of Letters of Administration of the effects of deceased persons, was transferred to the new "Court of Probate," established by that Act. By the same Act, the Judge of the Probate Court was made an *ex-officio* Commissioner of Charitable Donations and Bequests, in lieu of the Judge of the Prerogative Court.

By the amending Act of 1861, the provision of the Act of 1857, by which the Judge of the Probate Court was made an *ex-officio* member of the Bequests' Board, was repealed, and provision was made for the nomination by the Crown of "one other person, to be a Commissioner of Charitable Donations and Bequests for Ireland, instead of the said Judge of Her Majesty's Court of Probate, so ceasing to be Commissioner."

It will be observed that no restriction whatever is imposed by this Act upon the nomination of a Catholic as Commissioner under it. The provision of the Act of 1844, restricting to "five, and not more than five," the number of Catholics to be nominated by the Crown, refers exclusively to the "ten persons" to be nominated under that Act.<sup>1</sup> So far, therefore, as legislation is concerned, there has, since 1861, been nothing to hinder the Board from being constituted on the principle of equality<sup>2</sup> between the Catholic and the Protestant members, as could, for instance, have been done by the alternate nomination of Catholics and Protestants to the eleventh Commissioner-

<sup>1</sup> In a well-known treatise on the Law of Charities in Ireland, it is stated that this restriction applies to the *eleven* nominated Commissioners (see Hamilton, page 223). The statement seems to be quite at variance with the terms of the Act, quoted above.

In any case, the statement is a strange one to meet with in the course of an exposition in which it is asserted that "religious equality," an "object aimed at by the legislature" in the constitution of the Board, has been "well accomplished." (*Ibid.*, page 224.)

<sup>2</sup> In the work referred to in the preceding footnote, it is stated that the Board is composed "as nearly as possible" of an equal number of Catholics and Protestants.

Surely it is not to be contended that in a case such as this, "religious equality" is, as nearly as possible, secured, whilst a Protestant majority, even though it be but a majority of one, is permanently maintained?

ship, to be filled by nomination, under the Act of 1861. But, as a matter of fact, none but Protestants have ever been nominated to that Commissionership. Thus, by the administrative action of successive Ministries, Liberal and Conservative alike, the principle of Protestant ascendancy still holds its ground,—though, it may be said, in no very hurtful form,—in the Board-room of the Commissioners. Is it too much to hope for, that, as opportunity arises, all future nominations of Commissioners by the Crown may be so made as to give practical recognition to the principle of equality as between Catholics and Protestants? It is truly lamentable that in this, as in other instances, it is still left to us to have to make even this moderate claim.'

2. The Lord Lieutenant is empowered to appoint "a Secretary or Secretaries" to the Commissioners, and also such Offices, Clerks, and Servants, as may be necessary, with salaries to be fixed by the Treasury. Under the Act of 1844, these salaries, and "the necessary expenses of carrying on the business of the Commissioners," were to be paid out of the Consolidated Fund; but by the Act of 1867 those charges were transferred to the annual Parliamentary votes.

From the beginning, two Secretaries have been appointed, one a Catholic, the other a Protestant.

3. Any notice which is to be served upon the Commissioners may be served either (a) by leaving a copy of the notice with one of the Secretaries, at the Office of the Commissioners, or (b) by letter through the Post-Office, directed to the Commissioners at their Office.

4. The "quorum" for the transaction of business was fixed, by the Act of 1844, at five: it has been reduced, by the Act of 1867, to three.

5. The Master of the Rolls is *ex officio* Chairman of the meetings of the Commissioners: in his absence, the Chief Baron presides, and, in the absence of both, "the Senior Commissioner in the order of appointment" that happens to be present. At all meetings of the Board, the Chairman, in addition to his ordinary vote,

has, in case of an equality of votes, a casting or decisive vote.

6. In the event of any question arising before the Commissioners, concerning the usages or discipline, either of the Catholic Church on the one hand, or the Protestant Episcopal Church or any body of Protestant Nonconformists on the other, the question, as has already been explained,<sup>1</sup> is to be referred to a Committee of the Board, consisting of the Catholic Commissioners only, or of the Protestant Commissioners only, as the case may be: the Certificate of the Committee as to the matter in question is to be taken by the Board as evidence of the facts certified; and the matter is to be dealt with by the Board accordingly.

We have already seen<sup>2</sup> that during the stormy agitation of 1844 and 1845, this important provision, embodied in the 6th section of the Act of 1844, was, oddly enough, singled out by O'Connell and other assailants of the measure as a chief object of attack. It was, they said, by virtue of the provisions of this section that the Commissioners would be enabled to decide as to "the succession of prelates and priests of the various dioceses and parishes of Ireland," and, as agents of the Government, to "nominate pretenders" to the Catholic parishes and Catholic bishoprics of the country!<sup>3</sup>

The absolute groundlessness of those assertions has already been fully pointed out.<sup>4</sup> But it may here be added that an interesting commentary upon them is furnished by a passage in the first Annual Report of the Commissioners, issued in 1846. In that Report the Commissioners mentioned that, "in order fully and effectually to carry out" the provisions of the 6th section of the Act, they had made "certain rules or by-laws," copies of which are printed in an Appendix to the Report.

<sup>1</sup> See I. E. RECORD, October, 1895, pages 892, 893.

<sup>2</sup> *Ibid.*; and I. E. RECORD, November, 1895, pages 971 and 976.

<sup>3</sup> See I. E. RECORD, October, 1895, pages 880, 892, 895; and November, 1895, pages 971 and 976.

<sup>4</sup> *Ibid.*

These by-laws have reference, one to the functions of the Committee of Catholic Commissioners, the other to the functions of the Committee of Protestant Commissioners. *Mutatis mutandis*, the two by-laws are identical in terms. The following is the one that relates to the Catholic Committee :—

“ That whenever any reference shall be made to the Roman Catholic Commissioners, for the purpose of ascertaining who is the person entitled to the benefit of any donation or bequest, which may be made to, or in trust for, the Roman Catholic priest of any parish or congregation, it is to be understood that their duty will be *merely ministerial*, and that it will be for them to act on the certificate of the Roman Catholic Archbishop, Bishop, or Vicar acting, for the time being, instead of the Roman Catholic Archbishop or Bishop of the place, as to the person entitled thereto, and to certify accordingly.”

There are apparently but two instances on record in which a Committee such as is contemplated in the 6th section of the Act of 1844 has had to be appointed. But the procedure laid down in the by-law just quoted is invariably followed by the Board itself, in the very numerous cases in which remittances—such as the quarterly or half-yearly dividends on invested charitable funds—are sent out from the Office to clergymen, Catholic or Protestant, entrusted with their application to charitable purposes.

7. The Act of 1844 prescribes that Minutes of each meeting of the Board be kept, and that, in each case, they be read at the next meeting.

8. At least once a year, and also whenever required by the Queen to do so, the Commissioners are to report their proceedings to Her Majesty : within a specified time, a copy of each Report is to be communicated, in the usual manner, to both Houses of Parliament.

9. The accounts of the Commissioners are to be audited each year, by the public auditor appointed for the purpose under the Acts of Parliament regulating from time to time the auditing of the accounts of the various public departments.

## II.—THE COMMISSIONERS IN RELATION TO THE HOLDING OF PROPERTY

1. All property of every kind held by the old Board of Commissioners was vested in the present Commissioners by the Act of 1844. The Commissioners constituted under the Act of 1800 had no statutory authorization to hold property. In several instances, however, property was vested in them. The new Commissioners, in their first Annual Report, presented in 1845, made the following statement :—

“The funded property under the control of the late Commissioners, . . . vested in us by the Act, consisted of the following items :—

“Government 3½ per Cent. Stock ... ..	£91,453	7	11
“Like, in joint account with other Trustees	7,388	16	0
“Three per Cent. Consols ... ..	75,344	18	2
“Like, in joint account ... ..	714	16	6

“Besides all this, the Commissioners have under their control rents, annuities, and rent-charges, amounting to about £2,000 a year.”

2. Since 1867, as a result, in the first instance, of the amending Act passed in that year, the amount of property held in trust by the Commissioners has very largely increased.

By the 9th section of that Act, it was made lawful for trustees in whom any fund—whether consisting of Government Stock or Annuities, Stock or Shares in any public company, or moneys invested on any other security—is vested for any charitable or pious<sup>2</sup> purpose, to

<sup>1</sup> See O'Leary, page 11, *footnote (b)*, and page 13, *footnote (a)*.

<sup>2</sup> It may be well to note here, once for all, that, throughout the Acts dealing with the Commissioners, sometimes the disjunctive phrase “charitable or pious” is used, whilst sometimes the word “charitable” stands alone.

The legal distinction between “charitable” and “pious” purposes has frequently been affirmed. “There are many pious uses . . . having no ingredient whatever of charity [in the legal sense]. A pious use is not necessarily a charitable use.” See *Heath v. Chapman*, 2 Drew 425-426. See also I. E. RECORD, March, 1895, “On the Legal Definition of Charity.” The point is dealt with by the Chief Baron (Palles) in his judgment in *Attorney-General v. Delany* (I. R. 10 C. L. 123-126). See I. E. RECORD, April, 1895, pages 301-308.

Whatever is to be said of the use of the word “pious” throughout



transfer the fund, either in whole or in part, to the Commissioners, the consent of the Commissioners, in writing, having first been obtained.

The Act, however, goes on to provide that the transfer of a fund to the Commissioners cannot be made so long as the number of trustees is less than the number originally appointed to act in the trust, if that number did not exceed six. In such a case, the number of trustees must, in the first place, be brought up to six. Moreover, the consent of all six trustees must be signified, in writing signed by them, to the Commissioners.

If the original number was more than six, it is made lawful for two-thirds of the trustees, "not being less than six in number," to make the transfer.<sup>1</sup>

Funds transferred to the Commissioners under this section are to be held by them for the purposes of the trusts, or of such of these as shall, for the time being, be capable of taking effect. The Commissioners are empowered to nominate, from time to time, persons to administer or apply any such fund, or the income of it, under their directions, and, from time to time, to remove such persons, and substitute others in their place.

It may here be mentioned that the Commissioners frequently accept funds that are to be applied to charitable purposes, but are subject to some life-interest. In such cases, they pay, without cost, the annuitants who are entitled for life to the income of the fund. By this means the safety of the fund is secured for the Charity, and the appointment of new trustees during the existence of the life interests is rendered unnecessary.

The Commissioners, however, will not accept a fund to which any liability is attached, as, for instance, Shares not fully paid up.

3. Subject to the same provisions, any person entitled to

the Charitable Donations and Bequests Acts (Ireland) generally, there undoubtedly are instances of the use of the word "pious," in the expression "charitable and pious" in these Acts, in which it is difficult, if not impossible, to suppose that the expression is to be taken as meaning anything beyond what is expressed by the word "charitable" alone.

<sup>1</sup> See also page 1082.

any present or future interest in any fund,—that is to say, entitled to it as beneficial owner of the interest, as distinct from a mere trustee,—may assign or bequeath to the Commissioners his interest in the fund, or in any part of it, to be held by them in trust for such charitable or pious purposes as he may direct.

4. By the Act of 1871, the provisions of the Act of 1867, authorizing trustees to transfer funds held by them to the Commissioners, are extended so as to authorize the similar transfer of rentcharges or annuities.<sup>1</sup>

It may perhaps be worth pointing out that, whilst the cases (a) of trustees and (b) of beneficial owners are expressly distinguished, and then separately dealt with,<sup>2</sup> in the Act of 1867, this provision of the Act of 1871, at all events expressly, deals only with the case of trustees.

5. Under the Act of 1844, persons having any estate or interest in land or other real property, or having any property in goods or chattels, are empowered to vest in the Commissioners, either by Will, or by Deed duly executed, and signed by two witnesses, such estate, interest, or property, or any part of it, for any of the special purposes enumerated in the 15th section of the Act,<sup>3</sup> that is to say :—

“In trust for building, enlarging, upholding, or furnishing any chapel or place of religious worship of persons professing the Roman Catholic religion; or,

“In trust for any Archbishop or Bishop, or other person in Holy Orders of the Church of Rome, officiating in any district, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion, and for those who shall from time to time so officiate or shall succeed to the same pastoral superintendence; or

“For building a residence for his and their use.”

In cases of this class, the Act does not require the

<sup>1</sup> The section referred to (34 and 35 Vict., cap. 102, sect. 11) illustrates a point mentioned in a preceding footnote (see page 1076, footnote 2).

In this section, the rentcharge or annuity in question is first described as “any rent-charge or annuity . . . vested in trust for any *charitable or pious* purpose.” Then the transfer is authorized, of “all or any part of such rentcharge or annuity on which a *charitable* trust is impressed.”

<sup>2</sup> See the preceding paragraphs, numbered 2 and 3.

<sup>3</sup> See I. E. RECORD, October 1895, pages 887-889.

previous consent of the Commissioners. But, in at least one case, the Commissioners have declined to accept a transfer of property under this section, on the score of the gift being fettered by onerous conditions.<sup>1</sup>

6. Funds have been vested in the Commissioners by several of the Schemes of the Educational Endowments (Ireland) Commission appointed under the Act of 1885.

7. Property may pass to the Commissioners, to be held by them at least for a time, when it is recovered by them under any of the provisions enabling them to sue for the recovery of "withheld, concealed, or misapplied" gifts for charitable and pious purposes, or of sums payable for such purposes and remaining unpaid. These provisions will be stated in detail in the course of this paper.<sup>2</sup>

8. Similarly, property may pass to the Commissioners by virtue of an order of a Court, made under the 13th section of the Act of 1871. This section authorizes them to apply to any Court for the transfer to them of any stock, fund, or money, that may be under the jurisdiction of the Court, impressed with any charitable or pious trust, but remaining unapplied to the purposes of the trust. And it empowers the Court, so applied to, to make such Order in the case, as it may deem fit.

9. Finally, a fund or sum of money may come into the hands of the Commissioners by virtue of a provision in the 12th section of the same Act. This section authorizes them to accept payments for charitable and pious purposes, when difficulty arises in the payment of sums payable for such purposes, by reason of the death, absence, or inability of a trustee or other person competent to give an effectual discharge, or by reason of there being no person competent to do so.

10. In the latest Annual Report, issued during the

<sup>1</sup> "Thus, when Lord Palmerston desired to grant eighteen acres for the use of a parish priest, but to reserve the annual rent of £1, the Board would not accept the trust." Hamilton, page 68.

<sup>2</sup> See page 1084.

present year, the amount of property at present held by the Commissioners is stated as follows:—

" Consolidated 2½ per Cents. ...	£370,490 12 0
" Government 2½ „ „ ...	2,480 0 0
" Cash ...	3,277 19 0
" Miscellaneous Securities ...	96,888 18 1
" In addition, . . . rents and annuities of the yearly value of £2,464 0s. 2d."	

### III.—THE POWERS OF THE COMMISSIONERS IN RELATION TO THE "CY-PRES" APPLICATION OF CHARITABLE FUNDS.

1. By the Act of 1867, the Commissioners were for the first time invested with powers for the *cy-près* application<sup>1</sup> of charitable funds, no such powers having been confided to them<sup>2</sup> by the Act of 1844. The new jurisdiction thus conferred upon them was at first confined within somewhat narrow limits. But it has been notably extended by the Act of 1871.

2. Under the 6th section of this Act, the Commissioners are empowered to make *cy-près* applications of charitable bequests or other charitable gifts, to "such charitable or pious<sup>3</sup> purposes as they shall judge to be the best, having regard to the directions and intention of the donor."

This *cy-près* power of the Commissioners may be exercised by them whether the charitable gift is vested in them or not. It is subject to the following conditions:—

(a) The amount to be dealt with must not exceed £300 in capital, or £30 in annual, value;

(b) The application of the fund according to the intentions of the donor must be either "unlawful" or "impracticable;"<sup>4</sup>

(c) The Order of the Commissioners framing the scheme of *cy-près* application is not to be issued without one month's public notice having been given by them of their

<sup>1</sup> See I. E. RECORD, February 1895, pages 111-114.

<sup>2</sup> As to the *cy-près* powers of the old Commissioners, see I. E. RECORD, October, 1895, pages 882, 883.

<sup>3</sup> See *ante*, page 1076, footnote 2.

<sup>4</sup> See I. E. RECORD, October, 1895, pages 882, 883.

intention to make such Order—the notice to contain sufficient particulars of the objects of the proposed Order, and to be issued in such manner as the Commissioners may consider most effectual to secure its publicity amongst the persons interested;

(d) The notice is to prescribe a reasonable time within which the Commissioners will receive objections or suggestions;

(e) All objections or suggestions transmitted to the Commissioners are to be received and considered by them, but they are at liberty to act in reference to them as they shall think expedient.

It is, however, expressly provided that, if the Commissioners think it advisable to modify their proposed Scheme, they are not bound to give public notice of the modification.

Finally, it is provided that the Commissioners are not, in any case, bound to exercise their *cy-près* jurisdiction under this section.

3. The Act of 1867, in its 8th section, authorized application to be made to the Court of Chancery,<sup>1</sup> by the procedure known as “petition,” for the *cy-près* application of charitable gifts exceeding £100, but not exceeding £500,—or of the income of any charity, exceeding £10, but not exceeding £40, in annual value,—the application of which, according to the intention of the donor, shall be found unlawful or impracticable.

If the charitable fund has been recovered<sup>2</sup> by the Commissioners, or is in any other manner vested in them, the application to the Court may be made by the Commissioners. If it is vested in trustees, the application to the Court may be made by the trustees, not, however, until they have

<sup>1</sup> Wherever the “Court of Chancery” is mentioned throughout this paper in connection with the proceedings of the Commissioners, we are, of course, to understand the Irish, not the English, Court. It is hardly necessary to add that, since the passing of the Irish Judicature Act of 1877, the Court of Chancery has become “the Chancery Division of the High Court of Justice in Ireland.”

<sup>2</sup> See page 1084,

obtained the sanction, in writing, of "not less than five of the Commissioners."

In reference to such applications by trustees, the 10th section of the Act makes the same provision in reference to the number of trustees, that, as we have already seen, is made in reference to the transfer of trust-funds to the trustees.<sup>1</sup>

4. Under the 7th section of the Act of 1871, a further power in reference to the *cy-près* application of charitable funds is conferred upon the Commissioners.

This section applies to all cases in which it is unlawful or impracticable to apply a charitable gift according to the direction of the donor, whatever the amount, either in capital or in annual value, may be. In every such case, the Commissioners,—whether the charitable gift is vested in them or not,—are authorized to frame a Scheme for the *cy-près* application of the fund, and to proceed "by petition to the Court of Chancery," to obtain from the Court the necessary judicial sanction of the Scheme so framed.

The power thus conferred upon the Commissioners is of great public utility, as, in all cases in which a necessity arises for a *cy-près* application of a charitable fund, this section of the Act provides a comparatively simple and inexpensive method of effecting what otherwise could not be secured without a complicated and costly proceeding in Chancery.

The conditions prescribed for the issuing of notice, and other points of procedure, are the same in this case as when the Commissioners act in the exercise of the limited, but independent, *cy-près* powers conferred upon them by the 6th section<sup>2</sup> of the Act.

5. In a limited class of cases, a special power of *cy-près* application was conferred upon the Commissioners by the General Prisons (Ireland) Act, 1877.

The 58th section of that Act has reference to "certain charitable donations and bequests" that have "from time to

<sup>1</sup> See *ante*, page 1077.

<sup>2</sup> See preceding paragraph 2.

time been made, and are still payable, for the benefit of poor debtors confined in prisons in Ireland." In consequence of the passing of the Act abolishing imprisonment for debt, and for other reasons, it had become impracticable to apply those gifts in the manner directed by the donors. The Commissioners of Charitable Donations and Bequests were then empowered by the Prisons Act of 1877 to apply the gifts "to such charitable gifts as they shall judge to be best, having regard to the intentions of the donor." The application is to be made in the manner prescribed in the 6th section<sup>1</sup> of the Act of 1871, and it is to be valid and effectual although the amount so applied may exceed the amounts specified in that section.<sup>2</sup>

Funds thus applicable,—as, for instance, those bequeathed by the notorious "Sham Squire," Francis Higgins,<sup>3</sup>—have been applied by the Commissioners in aid of the meritorious work of the Societies for the aid of deserving prisoners, male and female, on their discharge from prison.

#### IV. POWERS OF THE COMMISSIONERS IN RELATION TO THE PROTECTION OF CHARITIES

1. This may be the most suitable place to mention a provision of the Act of 1844, that governs all the legal proceedings of the Commissioners. It is that no sum shall be paid by the Commissioners to any Solicitor, for costs, charges, or expenses, unless the amount of the payment has first been approved of by the Treasury. The Commissioners are required, in the first instance, to lay before the Treasury a statement of the particulars of any such proposed payment.

2. Costs and expenses duly incurred by the Commissioners, and not otherwise realized, are chargeable on the annual Parliamentary votes. As the income of an old endowment of £1,397 13s., from private sources, which was placed in the hands of the former Commissioners, in 1815,

<sup>1</sup> See *ante*, page 1080.

<sup>2</sup> *Ibid.*

<sup>3</sup> See *The Sham Squire and the Informers of 1798*, By W. J. Fitzpatrick, LL.D.,

"to assist them in recovering embezzled charities," is thus set free, the amount of it is paid over, each year, to the Exchequer as a set-off against the charges to be paid out of the annual vote. The annual amount thus paid to the Exchequer, which, previous to the reduction of the rate of interest on Consols to  $2\frac{1}{4}$  per cent, was £41 18s. 4d., is now £38 8s. 8d. In their Report for 1889, the Commissioners state that, for the preceding period of ten years, "the sums so remitted to the Exchequer have exceeded those paid [from the Exchequer] to defray irrecoverable costs; the former being £419 3s. 4d., the latter £388 18s. 5d.

3. Under the 12th section of the Act of 1844, the Commissioners are empowered to sue for the recovery of every charitable donation, devise, or bequest, intended to be applied in Ireland, which shall be "withheld, concealed, or misapplied," and "they shall apply the same, when recovered, to charitable and pious<sup>1</sup> uses, according to the intention of donor or donors."

In cases dealt with under this section, the Commissioners are further empowered to deduct, out of the property recovered by them, "all the costs, charges, and expenses which they shall be put to in the recovery of the same."

But the whole section is governed by the proviso that no proceedings, either at law or equity, shall be taken by the Commissioners until the Attorney or Solicitor-General<sup>2</sup> for Ireland has certified his sanction of their being taken. Some special cases in which proceedings may be taken by the Commissioners without obtaining the sanction of the Attorney or Solicitor-General will be mentioned in the course of this paper.<sup>3</sup>

4. In any case in which it may appear to the Commissioners to be requisite or desirable that legal proceedings should be instituted with respect to the affairs of any charity,

<sup>1</sup> See *ante*, page 1076, footnote 2.

<sup>2</sup> Wherever the Attorney or Solicitor-General is mentioned throughout this paper, in connection with the proceedings of the Commissioners, we are, of course, to understand the Attorney or the Solicitor-General for Ireland.

<sup>3</sup> See pages 1085, and 1087.



they may authorize or direct such proceedings to be taken, and give such directions in relation to the matter as they may think proper.

5. If they consider it desirable that such proceedings should be instituted by the Attorney-General, they are authorized to certify the case, in writing, to the Attorney-General, with a statement of all particulars requisite for the explanation of the case. But it is optional with the Attorney-General, according as he thinks fit, to institute such proceedings or not.

6. Whenever any principal sum not exceeding £50 on foot of any charitable donation or bequest, or any sum not exceeding £20 on foot of any annual sum, is payable for any charitable or pious<sup>1</sup> purpose, and has remained unpaid for thirty-one days, the Commissioners, or the trustees of the charity, with the sanction of the Commissioners, are empowered by the 8th section of the Act of 1871 to sue for the recovery of the same, by Civil Bill, in the County Court of the County in which the person to be sued resides.

Proceedings taken under this section do not require the sanction of the Attorney or Solicitor-General.

7. Whenever any sum exceeding £20, but not exceeding £200, payable for any charitable<sup>2</sup> purpose, remains unpaid for thirty<sup>3</sup> days, the Commissioners are empowered, under the 9th section of the same Act, to proceed by petition to the Court of Chancery for the recovery of the unpaid amount.

As in the preceding case, proceedings taken under this section do not require the sanction of the Attorney or Solicitor-General.

8. In any case in which a testator has left by will or devise, any property for any charitable purpose, and a suit for the administration of the assets or carrying out the trusts of the will, has been instituted by the personal

<sup>1</sup> See *ante*, page 1076, footnote 2.

<sup>2</sup> *Ibid.*

<sup>3</sup> Curiously, "the space of thirty days" is the time mentioned in this 9th section of the Act, whilst, in the 8th section, authorizing proceedings to be taken in the County Court the time mentioned is: "the space of thirty-one days."

representatives of the testator, the Commissioners are empowered to apply, on the ground of delay, to the Court in which the suit is pending, to have the conduct of the suit given to them, and the Court, if it is of opinion that there has been undue or improper delay in proceeding with the suit, is empowered either (a) to give the conduct of it to the Commissioners, or (b) to impose on the party having the conduct of the suit such terms as it may deem necessary for bringing the suit to a speedy termination.

In such cases, the Court may also make such Orders as it thinks fit, in reference to costs, or otherwise.

9. By the 10th section of the Act of 1871, the Commissioners are empowered to make application to the Court of Chancery with respect to any charity, under the provisions of the Act, 52 Geo. III., cap. 101, or of any Act authorizing applications to be made to the Court according to the provisions of that Act.

The Act of Geo. III., referred to in this section, is that commonly known as "Romilly's Act," from the name of the author.<sup>1</sup> Its object, as declared in its title, is "to provide a summary remedy in cases of abuses of trusts for charitable purposes." It enacts<sup>2</sup> that: "*in every case of a breach of any trust for charitable purposes, or whenever the direction or order of a Court of Equity should be deemed necessary for the administration of any trust for charitable purposes,*" it shall be lawful for "any two or more persons" to proceed by "petition" in Chancery, "praying such relief as the nature of the case may require;" petitions so presented are to be heard "in a summary way." But the Act provides that no such petition can be presented without the permission of the Attorney or Solicitor-General.

This Act was not looked upon with much favour in

<sup>1</sup> Not Sir John (afterwards Lord) Romilly, who was Master of the Rolls in England, from 1851 to 1874, but Sir Samuel Romilly, the eminent jurist and legal reformer, to whose untiring efforts is due the repeal of many of the more barbarous provisions of the criminal law of England.

<sup>2</sup> See Lewin, *On Trusts* (9th Ed.), pages 1061, 1062; Tudor, *Charitable Trusts* (3rd Ed.), pages 328-340.

the Court to which it applied,<sup>1</sup> and it consequently has had a rather a narrow construction put upon it by judicial interpretation. Thus the provision authorizing "any" two or more persons to present the petition, has been judicially interpreted as referring only to persons who have a direct interest in the Charity. Also, in other respects, the scope of the Act as determined by judicial interpretation, is notably less extended than its mere words would seem to imply. For instance, though no such qualification appears in the Act, it has been held to be applicable only to "plain and simple cases," and not at all, or but rarely, to cases in which disputed claims are to be adjudicated upon.<sup>2</sup>

As the proceedings to be taken in virtue of the 10th section of the Act of 1871,—whether in the cases covered by the Act of George III., or in those to which the procedure sanctioned by the Act of George III. applies, is made applicable by any other Act,—are to be taken by the Commissioners themselves, it is unnecessary here to describe the special classes of cases in which this procedure is applicable.<sup>3</sup>

This section contains the important proviso, that the allowance or certificate of the Attorney-General,—which is required by Sir Samuel Romilly's Act,—is not required when the proceedings are taken by the Commissioners.

10. The 12th section of the Act of 1867, contains an important provision for the protection of invested funds that are held in trust to be applied for charitable or pious <sup>4</sup>

<sup>1</sup> Of its enactments, we are told that, "though penned by a very able hand," they have been "strongly reprobated as very loosely and obscurely worded—as tending rather to increase than diminish the expense of the application—in short, as having produced more mischief than benefit." Lewin, *On Trusts* (9th Ed.), page 1061.

The same writer (*ibid.*) quotes the significant words of Lord Redesdale in reference to this Statute, "that the farthest way about was often the nearest way home, and that he believed these summary proceedings would not always be the nearest, or at least not the *best* way home." (*Corporation of Lullow v. Greenhouse*, 1 Bligh, N. S. 49.)

<sup>2</sup> See Lewin, pages 1061, 1062; and Tudor, pages 329 331.

<sup>3</sup> The procedure in all cases under Romilly's Act is now by "Originating Summons"—a simple and inexpensive form of procedure—in the Chancery Division.

<sup>4</sup> See *ante*, page 1076, footnote 2.

purposes, after the termination of some life, or other limited, interest.

This section enacts that trustees of such funds, before altering in any way the investment of the funds, shall give the Commissioners, in writing, one month's notice of their intention to do so. If, within the month, the Commissioners object to the proposed alteration, specifying the grounds of their objection, the alteration cannot be made without the sanction of the Court of Chancery. In such a case, an application may be made to the Court by petition ; but notice of the application must be given to the Commissioners, as also to any other persons to whom the Court may direct notice to be given.

#### V. POWERS OF THE COMMISSIONERS IN RELATION TO THE MANAGEMENT OF THE PROPERTY OF CHARITIES

Under this heading we may consider a number of important powers conferred upon the Commissioners chiefly by the Acts of 1867 and 1871.

1. The Commissioners are empowered, under certain specified conditions, to sanction a sale, an exchange, or a surrender of the lease, of land held for charitable purposes.

That the power with which the Commissioners are thus invested is of great public utility, is manifest. There is not indeed any absolute rule of law that property held in trust for a charitable purpose shall not, in any circumstances, be sold by the trustees without the express sanction of the Court of Chancery. But the risks attending a sale so effected are so great that, without legal sanction, no prudent trustee would venture to sell, even if he could find a person so ill-advised as to buy, property held upon any legally charitable trust.

“A sale of charity property by trustees alone was safe neither for the trustees nor for the purchaser. . . . Wherever charity property is alienated by the trustees on their own authority, the *onus* of proving that the transaction was proper, is upon the persons dealing with the trustees ; and if they fail to discharge that *onus*, the transaction will

be set aside.”<sup>1</sup> “The transaction was strongly assumed to be improvident as against a purchaser until he had established the contrary.”<sup>2</sup>

The Court of Chancery, under its general jurisdiction, had power to authorize the sale or other alienation of the estates of charities. But until the passing of the Charitable Trusts Act for England in 1853, and of the Charitable Donations and Bequests Act for Ireland in 1867, such alienation could be authorized by the Court of Chancery alone.

Under the 14th section of the Act of 1867, the Commissioners of Charitable Donations and Bequests may sanction the sale, or exchange, of lands or estates belonging to a Charity, or the surrender of a lease, if (a) an application for such sanction is made to them by the trustees or administrators of the Charity, representing that the proposed sale, exchange, or surrender, would be to the advantage of the Charity, and if (b) the Commissioners, after inquiry, are satisfied that it would be so advantageous.

The Commissioners, in the case of a sale, exchange, or surrender thus authorized by them, are moreover, empowered “to give such directions in relation thereto, and for securing the due investment of the money arising therefrom, for the benefit of the Charity, as they may think fit.”

The practice of the Commissioners, in all such cases, is to require that the money resulting from the sale or other proceeding which they authorize, shall be lodged with themselves. They are thus in a position to exercise an effective control over its application, and to protect the interests of the Charity for the benefit of which the money is to be applied.

2. In the case of property of which the Commissioners themselves are trustees or managers, they are similarly authorized to make any sale, exchange, or surrender “of any land being part of such property,” that would be beneficial to the property as a whole.

<sup>1</sup> Tudor, *Charitable Trusts* (3rd Ed.), page 251.

<sup>2</sup> Lewin, *On Trusts* (9th Ed.), pages 594, 595.

3. Similarly, when any land, held for a charitable purpose, is subject to any rentcharge or other periodical payment, the Commissioners may, under the same conditions, authorize the trustees or administrators of the Charity to sell such rentcharge, or other payment, to the owner of the land that is charged with it.

4. So, too, under the same conditions, they may authorize the purchase of any rentcharge, or other yearly charge, to which a Charity estate is liable.

5. Similarly, when the Commissioners themselves are the trustees or managers of the property of any Charity, they may sell, or purchase, such rentcharges and similar charges.

6. The 13th section of the Act of 1867 also empowers the Commissioners, under certain conditions, to sanction any of the following, when they are applied to for the purpose by the trustees or administrators of any Charity or of its property :—

The letting of any part of the Charity estate on building or other leases, or on leases for working any mine ;

The raising of “ stone, clay, gravel, or other minerals,” or the cutting of timber ;

The laying out of a new road or street, or the making of any drains or sewers, through any part of the Charity estate ;

The erection of any new buildings, or the repair, alteration, rebuilding, or removal, of any existing building ;

The making of any other improvement or alteration in the state or condition of the estate of the Charity.

For the exercise of the powers conferred under this section, the following procedure is prescribed :—

(a) A proposal is to be laid before the Commissioners, by the trustees or the administrators of the property, stating what is it that is proposed to be done as beneficial to the Charity ;

(b) If the Commissioners think that the acts to which the proposal relates,—whether with or without modification,—would be for the benefit of the Charity, they may make such Order in relation to the proposed proceeding as they may think fit ;

(c) They may furthermore authorize, for the carrying out of any improvement thus sanctioned, the expenditure upon it of funds belonging to the Charity ;

(d) If necessary, they may authorize for the purpose the raising of money by mortgage of all or any part of the Charity estate : but, in this case, compulsory provisions must be reserved in the mortgage, for the payment, by annual instalments, of the sum borrowed, and for the redemption of the mortgaged estate within the period of not more than thirty years.

7. Similarly, when the Commissioners themselves are trustees or managers of the property of any Charity, they may grant any such lease, or make any such improvements, subject to the same provisions as to the repayment of money borrowed on mortgage for any of these purposes, and as to the redemption of the mortgaged estate.

8. When property has been vested in the Commissioners under the special provisions<sup>1</sup> of the 15th section of the Act of 1844, it is made unlawful by the 17th section of that Act for any Archbishop, Bishop, or other person in Holy Orders, in trust for whom it has been vested, to charge or incumber it in any way, or to let it, or in any way alien it, either in whole or in part, for any period whatever. All leases, grants, or incumbrances made in contravention of the section are declared void.

But, under certain conditions specified in the 18th section of the same Act, leases of property so vested may be granted by the Commissioners, in whole or in part, with the consent, however, of the Archbishop, Bishop, or other person, in trust for whom it is vested, such consent being testified "by his or their being a party " to the lease, and executing it.

Leases so granted must not be for a longer term than twenty-one years, except in the case of a building lease, which may be granted for any term not exceeding a hundred years. The lease must take effect at once, "not in reversion, or way of future interest." There must be made payable

<sup>1</sup> See *ante*, page 1078.

under it "the best yearly rent that can reasonably be obtained," without any "fine, premium, or forfeit," for the making of it, being made payable either to the Commissioners or to the Archbishop, Bishop, or other person for whom the property is held in trust. Certain other subsidiary conditions are also prescribed.

9. The Act of 1867, in its 18th section, makes provision for cases in which land is required for the erection of any house or building, with or without garden, playground, or other appurtenances, for the purposes of a Charity, and in which the trustees of the Charity are authorized to purchase and hold such land, but are unable to obtain a valid transfer of it to them in the ordinary manner by reason of a defect in the title, or by reason of the legal disability of a person having an estate or interest in the land to make such transfer.

In such cases, the trustees of the Charity, with the sanction of the Commissioners, certified under the hand of their Secretary, may purchase the land according to the provisions of the Land Clauses Consolidation Act, 1845. This (8 and 9 Vict., cap. 18) is a consolidating Act, bringing together the provisions usually inserted in Acts authorizing the taking of lands for undertakings of a public nature.<sup>1</sup>

10. Similarly, in the cases contemplated by this section, the Commissioners, if authorized to purchase and hold the land, may purchase it in the same manner, and subject to the same provisions, if they are themselves trustees for the Charity.

11. Power to authorize a compromise or adjustment of any "claim, or demand, or cause of suit" against any person, in relation to a Charity, is given to the Commissioners by the Act of 1867, the procedure being prescribed as follows:—

(a) If it appear to the trustees or administrators of any charity that such compromise or adjustment may, with advantage to the charity, or should, under the special circumstances of the case, be made, without taking or

<sup>1</sup> It has been amended by 23 and 24 Vict., c. 106. See Stephen's *Commentaries* (10th Ed.), page 165, footnote (r.)



continuing proceedings in the Court, a proposal for such compromise or adjustment may be submitted to the Commissioners, either by the trustees or administrators of the charity themselves, or by the person against whom the claim is made ;

(b) If it appear to the Commissioners that the proposed compromise, either with or without modification, is fit and proper, and for the benefit of the charity, they are empowered to make such Order in relation to it as they may think fit.

12. Under the same conditions, the Commissioners are empowered to authorize the compromise or adjustment of a claim of any person against a Charity.

13. Finally, in cases where the Commissioners themselves are trustees or administrators of the property of a Charity, they are empowered to make a compromise or adjustment of any claim either against any person in relation to the Charity, or by any person against the Charity.

14. The 17th section of the Act of 1867 enacts that all leases, sales, exchanges, and other transactions authorized by the Commissioners under the Charitable Donations and Bequests Acts have the same effect and validity as if they had been authorized by the express terms of the trust affecting the Charity.

15. Any trustee or other person having any concern in the management of any Charity may apply to the Commissioners for their "opinion, advice, or direction," respecting the Charity, its management, its property, or any question or dispute relating to it. The Commissioners, if they think fit, may give such opinion or advice as they think expedient, the opinion or advice so given being authenticated by the seal of the Commissioners, and by the signature of at least one of the Secretaries.

So far as regards personal responsibility, trustees and other persons acting in conformity with the opinion or advice thus given are to be deemed to have acted in accordance with their trust, provided always that they have not been guilty of any fraud or unlawful concealment or misrepresentation in obtaining the opinion or advice. No

subsequent Order of any Court is to have any such retrospective effect as to interfere with the indemnity thus secured.

# VI. MISCELLANEOUS PROVISIONS OF ACTS RELATING TO THE COMMISSIONERS

1. In the event of the Governing Body of any educational endowment failing to give effect to the provisions of any Scheme under the Educational Endowments (Ireland) Act, 1885, the Commissioners of Charitable Donations and Bequests are empowered, by that Act, under certain conditions, to interfere to secure the due observance of the provisions of the scheme.

In such cases, either the Lord Lieutenant, or the Commissioners, may be applied to (a) by the Town Council or governing body of any town directly affected by the Scheme, or (b) by any ratepayers, not less than twenty, of any Poor Law Union similarly affected, or (c) by any person having a vested interest in the endowment or in any part of it. The Lord Lieutenant or the Commissioners, either when so applied to, or upon the report of any Inspector appointed under the Act of 1885, may send a requisition to the Governing Body of the endowment requiring them to give effect to the provisions of the Scheme.

If the Governing Body unduly delay to comply with the requisition, they may be summarily compelled to do so by the High Court of Justice, on the application by the Attorney-General, or on application made at his instance.

This clearly is a case in which the provision of the Act of 1867, conferring upon the Commissioners the power of setting the Attorney-General in motion,<sup>1</sup> would apply.

2. In the Schemes framed by the Commissioners appointed under the Educational Endowments (Ireland) Act, 1885, a clause is invariably inserted to the effect that the Scheme may from time to time be altered "in

<sup>1</sup> See *ante*, page 1085, paragraph 5.

any manner whatsoever" by the Commissioners of Charitable Donations and Bequests, upon the application either of the Attorney-General or of certain persons specified in each case, as, for instance, the Governing Body of the endowment in question. The clause also provides that, except on such application, no alteration in the Scheme shall be made by the Commissioners, and that in no case shall any alteration be made contrary to anything contained in the Act of 1885.

3. Under the Leases for Schools (Ireland) Act, (1881), which facilitates the obtaining of sufficiently long leases of land for the erection of schools and other buildings, such as teachers' residences, "for the purposes of public education in Ireland," and consequently, *inter alia*, empowers trustees of charities, or for public purposes, to make such leases under certain prescribed conditions,—it is provided that "any lease to be made by any such trustees under this Act shall be approved of under the seal of the Commissioners of Charitable Donations and Bequests."

4. A similar provision in reference to the transfer of open spaces to local authorities in certain cases is contained in the Open Spaces Act, 1890.

5. If the number of trustees of any charitable donation or bequest falls below the number created by the Will or other document creating the trust, the Commissioners are empowered to call upon the existing trustees to fill the vacancies. If the trustees are unwilling or unable to do so, the Commissioners, after the expiration of two months from the date of their notice, may apply to the Court of Chancery, by "originating summons,"<sup>1</sup> to have the vacancies filled by the Court.

6. When the trustees of a Charity have power to determine on any sale, mortgage, or other disposition of any property of the Charity,<sup>2</sup> a majority of two-thirds of their number, assembled at a meeting of their body duly constituted, are empowered to do all such acts as may be requisite

<sup>1</sup> See page 1087, footnote 8.

<sup>2</sup> See *ante*, Section V. of this paper,

for carrying the sale or other disposition of the property into legal effect.

7. Trustees or other persons having the custody of documents relating to a charity may lawfully deposit these in any Repository that may be provided by the Commissioners, subject to any regulations that the Commissioners may make.

8. Before any legal proceedings for obtaining any Order concerning any Charity, or its property or income, shall be commenced by any person other than the Attorney-General, there is to be transmitted to the Commissioners, in writing, notice of the intended proceedings, with all requisite particulars, including such particulars as may be required by them. The service of such notice, however, is not to have the effect of making binding and final, as against the Commissioners, any Order of a Court in a proceeding to which they have not formally been made parties.

9. When probate has been granted of any Will containing a charitable bequest or devise, the person to whom probate has been granted is bound to publish certain advertisements of the bequest, as follows;—

(a) The advertisements are to be published within three calendar months of the granting of probate ;

(b) They are to be published (a) once in the Dublin Gazette, and (b) three times in some paper circulating in the locality where the charitable gift, or the greater part of it, is directed to be expended, or, if there be no direction as to any such locality, then in some newspaper circulating in Dublin ;

(c) The advertisements are to state—(1) every charitable devise or bequest contained in the Will ; (2) the name of the testator ; (3) the date of the Will or codicil ; (4) the name of the person or persons to whom the charitable gift is devised or bequeathed ; and (5) the name of the person or persons appointed by the testator for the management and direction of the gift ;

(d) The expense of the publication is to be defrayed by the executor, out of the estate or funds bequeathed to the respective charities ;

(e) Every person neglecting to make such publication, as prescribed, is liable to a penalty not exceeding £20 ;

(f) The Commissioners are empowered, at their discretion, having regard to the smallness of the amount, or other special circumstance, to grant an exemption from the publication, either wholly, or to such extent and upon such terms as they shall think fit.

It may not be altogether useless here to note that, in so far as bequests for Masses are not legally charitable,<sup>1</sup> they do not come within the enactments prescribing the advertising of bequests for charitable purposes.

10. Every person bound to publish any devise or bequest, as above specified, is furthermore bound to deliver at the Office of the Commissioners, or to forward to them by post, the three newspapers (not being the Dublin Gazette) containing the prescribed advertisements ; persons neglecting to comply with this requirement are liable to a penalty not exceeding £5.

11. The Registrar of the Court of Probate is to make to the Commissioners, between the 1st of July and the 1st of November each year, a Return of every charitable devise or bequest contained in any Will entered in his Office, or in any Will a copy of which has been forwarded to him from the Office of any of the District Registrars in Ireland, or from the Registrar of the Court of Probate in England, during the year preceding. The Return is to contain, in each case, the name of the person or persons to whom probate of the Will has been granted, with certain other specified particulars : it is to be lodged with one of the Secretaries of the Commissioners : the penalty for neglect to make this Return as prescribed is a forfeiture of £20.

12. Any Officer having custody of any documents concerning any charity is bound to furnish to the Commissioners such copies or extracts as they may require.

13. The Secretaries or other Officers of the Commissioners are to be at liberty, under the directions of the

<sup>1</sup> See I. E. RECORD, April, 1895, pages 289-308 ; and May, 1895, pages 407-428.

Commissioners, and subject to such regulations as they may make, to search and examine the Registries and Records of every Court, and of every public Office, and to take copies, or make extracts, for any purpose of the Charitable Donations and Bequests Acts, without fee or payment.

14. Nothing contained in any of the Charitable Donations and Bequests Acts (Ireland) is to be taken as rendering lawful any bequest or other gift in favour of any Religious Order, or in favour of any member or members of any such Order, prohibited<sup>1</sup> by the "Catholic Emancipation Act" of 1829.

15. No bequest or other gift "for pious" or charitable uses" in Ireland is valid to create any estate in lands or in real property of any kind, unless the Deed, Will, or other Instrument containing the same has been duly executed three calendar months before the death of the testator or donor, and unless every such Deed or other Instrument, not being a Will, has been duly registered in the Office for the Registration of Deeds in Dublin, within three calendar months of its execution.<sup>2</sup>

16. With the exception of the disability imposed by the "three months" limit, as stated in the preceding paragraph, nothing contained in any of the Charitable Donations and Bequests Acts (Ireland) is to be taken as making void or unlawful any bequest or other gift which would be lawful but for those Acts.

17. No Judge of any Court in Ireland is disabled, by reason solely of his being a Commissioner, from hearing and determining any case relating to a Charity, or any case arising under the provisions of the Charitable Donations and Bequests Acts.

18. Nothing done *bona fide* for the purpose of executing any of those Acts, by any Commissioners, or by any person acting under the direction of the Commissioners, will involve liability of any kind; and any costs or expenses incurred by the Commissioners, or by any Commissioner,

<sup>1</sup> See I. E. RECORD, June, 1895, page 493.

<sup>2</sup> See *ante*, page 1076, footnote 2.

<sup>3</sup> See I. E. RECORD, October, 1895, pages 889-892.

or by any person acting under their direction, in the management of property vested in them, or otherwise in the execution of these Acts, may be deducted by the Commissioners from the funds of the Charity in respect of which they were incurred.

✠ WILLIAM J. WALSH,  
*Archbishop of Dublin.*

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## COIRE AND ITS APOSTLE

COIRE, Chür, or Quera—for by all these names it is known, according as its title is French, German, or Romanesque—will always have a special interest for Catholics of the British Isles, on account of its connection with St. Lucius, and St. Fridolin. From the former, a British prince, this part of Switzerland received her faith in the earliest ages of Christianity; whilst the latter, an illustrious Irish Abbot, revived the faith and spread monasticism in the sixth century. From a visit paid in 1879, and also in the May of this present year, and from sundry information derived therefrom, the writer hopes to awaken some interest in this ancient capital of Rhoetia, the modern Canton of the Grisons.

This town, of about eight thousand inhabitants, almost equally divided between Catholics and Lutherans, is situated on the slope of the Mittenburg, a lofty and well-wooded mountain. The latter dwell in the lower part, and are split up into two sects; each have a separate Church; and, from a conversation with a priest of the cathedral, they seem to have lost all *prestige*, to have no bishop, and, in fact, are destitute of that dignity which a State Church enjoys in Protestant countries. Nevertheless, they appear to live on good terms with their Catholic neighbours. On the other hand, the true Church seems to hold the ascendancy, as well from a topographical as from a religious point of view. The highest part of the city is known as the “Episcopal

Quarter," and here in the "Hof," or square, stands the quaint old cathedral, flanked on one side by the residences of the bishop and clergy, and on the other, by the handsome day-schools for boys and girls of the parish. In the centre of the square (which is strictly a spacious triangle) is a large stone cistern, with a finely-carved pillar in the centre, having four statues of saints in the niches, with water constantly flowing from four spouts. The whole is an interesting piece of mediæval Gothic work. This square is entered from the lower town, through what may be called the apex of the triangle, by the steep tunnelled passage of an old gate-way, the rooms over being known as the "Amphor," or the "Canons' Tavern." A gloomy tower<sup>1</sup> of great antiquity adjoins the Episcopal Palace, and is said to be partly of Roman construction, and to mark the site of the martyrdom of St. Lucius. It is called the Marzol (martiola), and is used [as an archive office and muniment room. An ecclesiastical seminary stands higher up the mountain, overlooking the cathedral, and near at hand is the large Cantonal School for Higher Education. Here boys of thirteen to eighteen years, from the town and adjacent country, are taught music, drawing, languages, &c. They are conspicuous as they stroll along the streets, or woodland paths, in their handsome uniform of dark blue, and silver buttons; and though *all* are polite in manner, the Catholic students always raise their caps to a priest.

In the centre of the town is the Rhoetian Museum, full of curiosities and paintings, interesting to Switzers, the chief being a wonderful work on oak-panels of Holbein's "Dance of Death." When we consider the treasures kept here, and the library of twenty-five thousand volumes, as also the sacred shrines of silver and copper in the cathedral sacristy, it will be seen that this quaint little city is well worth a visit of the antiquarian. The following account, however poor and scanty in detail, of the connection between Coire and Great Britain, as shown in her ecclesiastical history, can hardly fail to interest the Catholic reader.

<sup>1</sup> Built under Emperor Adrian. Romans conquered the Rhetii, B.C. 15.



Every 3rd of December, the capital of the Grisons keeps "high festival" in honour of her Apostle and Patron, the "solemnity," as it is styled in their Calendar, of St. Lucius, king and martyr. Through the kindness of one of the clergy, I obtained the Proper Lessons from the Breviary of the diocese of Coire, *Breviarium Curensense*, to aid me in writing this article. These Lessons, along with the scattered fragments gathered from other sources are the only matter at hand for this purpose.

In that most authentic record, the *Roman Martyrology*, there occurs for December 3rd, the following:—"At Coire (Curia), in Germany (!) St. Lucius, king of the Britons, who, first of those kings, received the faith of Christ, in the time of Pope Eleutherius." Likewise, in the *British Martyrology*, for the same date, occurs this notice: "At Coire, or Chür, in the land of the Grisons, the festivity of St. Lucius, said to have been a British prince, who, through the zeal of the glory of God and the conversion and salvation of souls, going abroad, preached the faith of Christ among the Switzers and Grisons; where he was made Bishop of Coire, and at length ended his days by martyrdom. His feast is solemnly kept with an octave, in the diocese of Coire, where there is, not far from the city, an ancient monastery which bears his name." December 4th, "At Coire, the festivity of St. Emerita, virgin and martyr, sister to St. Lucius."

The interesting question now arises as to who is this St. Lucius, and is he the same as the Leurwg Vawr, or "Great Light" (Latinized into Lucius), who sent to Pope Eleutherius for an Apostle to convert his subjects. It is a most pleasing discovery, that from such scanty accounts as we possess of the primæval Christianity of Western Europe, there seems no doubt but that he is one and the same saint. Thus, a spiritual relationship is established between our country and the Grisons Canton, which through many vicissitudes and the throes of the Reformation has clung to the faith, and yet preserves with honour the bones of her Apostle in the cathedral of Coire.

Before turning to the Proper Lessons of the Coire

Breviary for the feast of St. Lucius, let us notice the Third Lesson of the English Supplement to the Breviary, for St. Eleutherius, May 29th:—"He (the saint) received, by ambassadors, letters from Lucius, King of the Britons, asking for ministers of the Divine Word, to whom he despatched Fugatius and Damianus, priests of the Roman Church. The king and his whole family, as well as nearly all his subjects, were by them regenerated in the holy laver of baptism." This fact is also mentioned in the *Roman Martyrology* for May 26th.

The oldest Welsh records, such as the *Book of Llandaff*, give the names of *four* missionaries sent from Rome—Dyfan, Ffagan, Medwy, and Elvan; and it is certain that churches dedicated to these saints formerly existed near Llandaff. It is stated in this book, that Leurwg erected the first church at Llandaff, which was the first in the island of Britain, and he bestowed the freedom of the country and nation upon those who were of the faith of Christ." Hence it was that Llandaff naturally laid claim to the Archiepiscopal dignity, being styled, in this book, the "foundation of Leurwg ap Coel" (*i.e.*, Lucius, son of Cole). The evidence of the *British Martyrology* is interesting on these points of our early history:—

"Jan. 2.—At London, the commemoration of the holy Confessors, Elvan and Medwyne, who (according to divers historians and ancient records) being *sent to Rome* by King Lucius to the holy Pope Eleutherius, to desire missionaries from thence, who might receive him and his people into the Church of Christ, *returned home* so well instructed in the Christian faith, as to become both eminent teachers and great saints. Elvan is said to have been the second Bishop of London, and to have converted many of the Druids to the faith of Christ."

"Jan. 3.—At Avallonia, now Glastenbury, the commemoration of the Apostolic Missionaries, Fagan and Dwywan, or Deruvian, honoured by the ancient Britons among their primitive saints. They are called by the Lessons of the Roman Breviary, May 26, Fugatius and Damianus: and are there said to have been sent by St. Eleutherius, the Pope, for the conversion of the Britons, which they happily effected.<sup>1</sup> The antiquities of

<sup>1</sup> That careful historian, St. Bede the "Venerable," distinctly mentions the Mission of St. Lucius to St. Eleutherius, who reigned under the Emperor Marcus Antoninus, A.D. 156.

Glastenbury further inform us that they, in their progress through Britain, visited the solitude of Avallonia, and found there the old church, supposed to have been built by St. Joseph of Arimathea; and that they there appointed twelve of their disciples to lead a monastical, or eremitical life in the neighbourhood of that holy church; which number of twelve, they say, was kept up by succession till the days of St. Patrick."

A pleasing coincidence occurred to the writer when visiting Coire in last May. Having recited the Proper Lessons of the English Breviary of St. Eleutherius, above alluded to as making mention of St. Lucius, he was anxious to identify the latter saint with the patron of the city. The priest he consulted in the matter straightway handed to him the Proper Lessons from the Coire Breviary, which solved the difficulty, and which are now presented to the reader. On this same day, May 29th, the Feast of St. Augustine, *our* Apostle, was being kept in the Cathedral, and it seemed another link between England and Switzerland, when, at High Mass, were chanted the words of the Collect:—"Concede, ut, ipso interveniente, errantium corda ad veritatis tue redeant unitatem, et nos in tua simus voluntate concordēs."

"Dec. 3.—In Solemnitate S. Lucii, Reg. Ep. et M. Basilicæ Cathedralis, ac Diocesis Curiensis gloriosissimi Patroni primarii, Duplex I. cl. cum octava.

"Lucius, King of the Britons, son of Coillus Justus, for a long while abandoned to the superstitions of the Gentiles, became acquainted with the wonderful works of the Christians, and, pondering carefully over the integrity of their lives, he determined to embrace that religion, to which he had never shown any dislike. Nevertheless, because he discovered that they appeared to be objects of hatred to other nations, and especially the Romans, and that they were subjected to every kind of suffering, insult, and torment, he judged it better to put off his conversion to another time. Afterwards, however, he learned that several Romans of high standing, and, among others, men of senatorial rank, had embraced the Christian faith, and that the Emperor himself, Marcus Antoninus, was of a milder disposition towards the Christians, by whose prayers a victory had been gained.<sup>1</sup>

<sup>1</sup> This allusion is to the "Thundering Legion," by whose prayers the Roman army, consumed by thirst, were refreshed by a sudden downfall of rain, while thunder and lightning routed their foe, A.D. 176.

Without any further delay, ambassadors were sent to Eleutherius, the Roman Pontiff, to say that he wished to be admitted within the ranks of the Christians. In order to gratify his devout behests, the Pope sent Damianus and Fugatianus into Britain, who instructed and baptized the king."

"Lucius, now filled with heavenly zeal, began to despise the things of this world, and having abdicated his throne, he wandered over large tracts of country, in order to spread the Christian faith. Coming to Rhoetia, he reached a town called Augusta-Vindelicorum, and there converted a leading man, named Patritius, along with his entire family, and many of the citizens. On this occasion, the first temple was built to the true God, which place, by a change of name, is said to be now the town of St. Gall. But the hatred and envy of wicked men were now excited, and he was beaten, stoned, and finally cast into a well, whence he was drawn out by pious hands in a half dead condition.

"He now departed to Alpine Rhoetia, where he took up his abode in a rocky cave, where a throng of persons came to him, on account of a fountain (which exists to this day), sovereign for diseases, but especially those of the eyes. Thus, by word and example, he brought almost the whole of Rhoetia under the yoke of Christ; and being made bishop of that nation, he ruled for a long period, glorious for his virtues and miracles, until he was seized by the pagans and stoned to death. He received the crown of martyrdom on the 3rd day of December, about the year 182, in the tower called the Martiola (Marzöl), at Coire, which is now the episcopal see."

This Coillus, or Cole, is, doubtless, the British Prince, who founded the ancient town of Colchester (Coili-castra), which was in our earliest times a bishopric. In Butler's *Lives of the Saints*, May 26th, it is stated that the Bishop of Colchester was present along with two other British bishops at the Council of Arles, A.D. 314.

The Gospel used for the feast of St. Lucius is that of the "Good Shepherd," the same as is used for St. Thomas of Canterbury.

We here give the Lessons for the feast of St. Emerita, virgin and martyr, whose feast is kept as a "greater double," on the 4th of December, as being connected with the history of her brother:—

"The virgin Emerita, sister of St. Lucius, King of Britain, having been taught by him the Christian doctrine, and baptized

by the legate of St. Eleutherius, wished to copy her brother in the practice of her faith and of every Christian virtue. Wherefore, she demolished the idols and their temples; she built churches, and provided them with all things necessary: she gave all her goods to the poor. Having brought many into the fold of Christ, and spurning an earthly kingdom, in order to follow after the things that are of God, she determined, in spite of all obstacles, to go abroad after her brother. Thus, having made every careful provision for the kingdom and its needs, Emerita, despising all earthly riches and pleasures for love of Jesus Christ, took up the pilgrim's staff, and, with a pious retinue of men and women, set out in search of her holy brother. Wandering through many lands, she at length found him at that very spot which is now Coire, preaching in his mountain cave, and expounding the rudiments of the faith to the people. When she had made herself known to Lucius, and had given him her reasons for coming thither, they both gave thanks to God, and both spent a long time together in holy prayers and canticles of praise.

"Emerita, having both by word and example, confirmed the preaching of St. Lucius, was at length accused by certain Pagans of being a Christian. When these could by neither entreaties nor threats prevail upon her to abjure the Christian faith, she was put to many tortures, and at last burnt to death at the town of Trimonte. Thus did she finish her martyrdom; and the faithful, hearing of it, took the bones and ashes of the holy martyr, and placed them in a fair linen cloth. On the spot where her relics were interred, there afterwards arose a Church in honour of the Holy Virgin Mary, St. Andrew the Apostle, and of St. Emerita, Virgin and Martyr."

The rocky cavern, here alluded to, is in a wood on the Mittenberg, above the town, and is a favourite place of pilgrimage for the devout visitor to Coire. At certain times, too, it is thronged by the natives, who come here for spiritual exercises, and it can be easily reached in about half an hour by any of the climbing paths that lead to it through the forest glade. The beetling cliff shelters a small chapel dedicated to St. Lucius, in which there is a handsomely adorned altar, used occasionally for Mass. This marks the hollow spot, where, as in another "*Sagro Specu*" of Subiaco, our royal saint prayed and instructed, and shone as a veritable "*light to the Gentiles*," a "*Leurwg Vawr*" to the Pagans of Rhoetia. Near this small chapel is a block of stone, with a basin-like cavity, where tradition says he administered the holy rites of baptism. From this spot is a

magnificent view, and one that will never be forgotten. It embraces the open valley of the Rhine, in the direction of Thusis, with the mighty Calanda and the Pizokel, right and left respectively, whilst at the foot of the mountain, immediately below this cave of the St. Luzikapelle lies snugly ensconced the city of Coire. In this net-work of walks, which extend up the mountain side of the Mittenberg, the geologist and the botanist will find much to delight and interest them. Amongst other curious flowers, we noticed a strange kind of black columbine.

The Cathedral of Coire is a quaint and irregular edifice, the nave and chancel being evidently built at separate times, since their arches do not coincide. The choir is reached by a double flight of nine well-worn steps, and contains some finely-carved stalls for the canons, and a very old high altar, over which is a splendid triptych of oak-carving, richly coloured. Here are painted groups of saints, and various mysteries of the Passion. The work is *alto-relievo*, and was carved in 1492, by Russ of Lucerne, being painted by Wahlgemuth, of Nuremberg. It is said by competent judges to be "among the sweetest and most beautiful creations of fifteenth century art" (Burkhard). In the nave, just below the choir, and between the two flights of steps, is a second altar, used for popular devotions, the high altar being used for the daily Canonical High Mass at 7, and Vespers at 2 p.m.

In the sacristy are some valuable treasures. The chief of these are the shrines, containing the bones of St. Lucius and St. Emerita; two splendid large silver busts, adorned with jewels, of these two saints; a silver cross, and some old vestments. But not the least interesting remains are two copper shrines of the seventh or eighth centuries, undoubtedly of Celtic design and origin. They are covered on all sides with that well-known interlacing ribbon pattern, of the most elegant design, and would vie with any similar shrine in the museum of Irish antiquities in Dublin. They evidently point to the time when St. Fridolin and his monks dwelt in these parts.

WILFRID DALLOW.

## SHALL-AND-WILL-IANA—(continued)

III. USE OF *SHALL* AND *WILL* IN THE AUTHORIZED  
VERSION OF THE BIBLE

**I**T is not easy to discuss the phraseology of the modern English Bible, in reference to the use of *Shall* and *Will*. While the language of daily life, and of ordinary literature, has undergone many subtle changes, the language of the Bible, remaining still the same, has been ever sounding in the ears of successive generations; and thus there is a natural tendency to accept the phraseology of the Bible as correct and idiomatic, though it differs from the idiom of every day life. Even grammatical errors have a charm for many minds, when they have been made familiar by long usage. As St. Jerome said, long ago, speaking of the current Latin version of his time: "Such is the force of custom, that many like even what are acknowledged to be faults."

But the difficulty of a task is no reason for not attempting it; and it will be interesting, I think, to consider shortly the use of *shall* and *will* in the Authorized Version, as compared with Wycliffe's Bible, on the one hand, and the idiom of the present day, on the other.

We have seen that, in Wycliffe's Bible, *shall* is used as the auxiliary of the future tense, in all persons alike; and that *will* is not used as an auxiliary at all, but only as a principal verb, to express the idea of volition. In the Authorized Version, a great change is apparent. *Will* is used as an auxiliary, in addition to *shall*, and thus we have two future auxiliaries instead of one; while it also continues to be used as a principal verb, in the same way in which it had been used by Wycliffe.

In estimating the nature and effect of this change, it is important to distinguish between the different persons of the future tense. In the first person, the usage of the Authorized Version seems almost exactly in accordance with the usage of the present day. *Will* is uniformly employed as a future auxiliary, when there is question of a promise, a

threat, a resolution, of the speaker ; and, in general, when the future event is determined by the speaker's will. Thus we have : " On this rock I *will* build my church ;" " I *will* give unto thee the keys of the kingdom of heaven ;" " I *will* go before you into Galilee ;" " Though I should die with thee, yet *will* I not deny thee ;" whereas, in all these passages, the future tense, in Wycliffe's translation, was rendered by *shall*.

As this point seems to me of great interest, in the history of the idiom, I will subjoin a few additional examples, setting the text of the Authorized Version and the text of Wycliffe side by side. The reader will observe that the passages selected are all taken from a very limited portion of the Bible. We may presume, therefore, that the change is not a rare and exceptional occurrence, but frequent and systematic. I would also mention that I have taken care to see that the *shall* of Wycliffe, in each passage quoted, corresponds to the use of the future tense, in the Latin version.

*Authorized Version.**Wycliffe.*

## MATTH. iv. 9.

All these things *will* I give thee, if thou wilt fall down and worship me.

All these I *shall* give thee, if thou fall down and worship me.

## MATTH. iv. 19.

Follow me ; and I *will* make you fishers of men.

Come ye after me ; and I *shall* make you to be made fishers of men.

## MATTH. x. 32, 33.

Whosoever shall confess me before men, him *will* I confess before my Father which is in heaven. But whosoever shall deny me before men, him *will* I also deny before my Father which is in heaven.

Every man that shall acknowledge me before men, I *shall* acknowledge him before my Father that is in heaven. But he that shall deny me before men, I *shall* deny him before my Father that is in heaven.

## MATTH. xi. 28.

Come unto me all ye that labour, and are heavy laden, and I *will* give you rest.

All ye that travail and be charged, come to me ; and I *shall* refresh you.



Authorized Version.

Wycliffe.

MATTH. xiii. 30.

In the time of the harvest,  
I *will* say to the reapers.

In the time of ripe corn, I  
*shall* say to the reapers.

MATTH. xviii. 26.

Lord, have patience with  
me, and I *will* pay thee all.

Have patience with me, and  
I *shall* pay to thee all things.

MATTH. xxi. 24.

I *also will* ask you one thing,  
which if ye tell me, I in like wise  
*will* tell you by what authority  
I do these things.

I *shall* ask you one word,  
the which if ye tell to me, I  
*shall* say to you in what power  
I do these things.

MATTH. xxvi. 29.

I *will* not drink henceforth  
of this fruit of the vine, until  
that day when I drink it new  
with you in my Father's king-  
dom.

I *shall* not drink from this  
time of this fruit of the vine  
unto that day when I shall  
drink it new with you in the  
kingdom of my Father.

MATTH. xxvi. 31.

It is written, I *will* smite  
the shepherd, and the sheep of  
the flock shall be scattered  
abroad.

It is written, I *shall* smite  
the shepherd, and the sheep of  
the flock shall be scattered.

MATTH. xxvii. 63.

After three days I *will* rise  
again.

After three days I *shall* rise  
again.

MARK vi. 22.

The king said unto the  
damsel, Ask of me whatsoever  
thou wilt, and I *will* give it  
thee.

The king said to the damsel.  
Ask thou of me what thou wilt,  
and I *shall* give to thee.

In the second and third person, *will* is often used, in the Authorized Version, to express simple futurity, just as it is used, at the present day, in the idiom of ordinary life. For example: "When it is evening, you say, it *will* be fair weather, for the sky is red;" "If ye forgive men their trespasses, your heavenly Father *will* also forgive you." We have seen that in these, and other similar passages, Wycliffe

has *shall*, according to his fixed practice of using *shall* as the ordinary future auxiliary. I submit a few additional examples, for study and comparison.

*Authorized Version.*

*Wycliffe.*

MATTH. vii. 22.

Many *will* say to me in that day, Lord, Lord, have we not prophesied in thy name?

Many *shall* say to me in that day, Lord, Lord, whether we have not prophesied in thy name?

MATTH. xxi. 40, 41.

When the Lord of the vineyard cometh, what *will* he do unto those husbandmen? They say unto him: He *will* miserably destroy those wicked men, and *will* let out his vineyard unto other husbandmen.

When the Lord of the vineyard shall come, what *shall* he do to the earth tillers? And they say to him: He *shall* destroy evilly the evil men, and he *shall* set to hire his vineyard to other earth tillers.

MATTH. xxiv. 28

Wheresoever the carcase is, there *will* the eagles be gathered together.

Wherever the body shall be, also the eagles *shall* be gathered thither.

MARK ii. 20.

The days *will* come when the bridegroom shall be taken away from them.

Days *shall* come when the spouse shall be taken away from them.

MARK xiv. 15.

He *will* show you a large upper-room furnished.

He *shall* show to you a great supping-place arrayed.

LUKE iv. 23.

He said unto them: Ye *will* surely say unto me this proverb, Physician, heal thyself.

He said to them: Surely ye *shall* say to me this likeness, Physician, heal thyself.

LUKE v. 37.

No man putteth new wine into old bottles; else the new wine *will* burst the bottles, and be spilled.

No man putteth new wine into old bottles; else the new wine *shall* break the bottles, and the wine *shall* be shed out.

LUKE xii. 55.

When ye see the south wind blow, ye say, There *will* be heat.

When ye see the south wind blowing, ye say that heat *shall* be.

Authorized Version.

Wycliffe.

LUKE xxii. 67, 68.

He said unto them : If I tell  
you, you *will* not believe ; and  
if I also ask you, you *will* not  
answer me.

He said to them : If I say  
to you, ye *shall* not believe me ;  
and if I ask, ye *shall* not answer  
me.

ACTS xxviii. 28.

Be it known therefore unto  
you, that the salvation of God  
is sent unto the Gentiles, and  
that they *will* hear it.

Therefore be it known to  
you, that this health of God is  
sent to heathen men, and they  
*shall* hear.

In these texts, the usage of the Authorized Version is quite in accord with the idiom of the present day, and shows a marked contrast with that of Wycliffe's time. But there are other passages in which the *shall* of the earlier translation is retained, when it is distinctly at variance with the modern idiom, and in which I feel confident that *will* would be used, if the Bible were now to be translated, for the first time, from the original text.

Take, for example, the passage in which Cain, having heard the sentence pronounced upon him by God, cries out : " I shall be a fugitive and a vagabond in the earth ; and it *shall* come to pass that every one that findeth me *shall* slay me."<sup>1</sup> The use of *shall* in this passage cannot be defended on the ground that Cain spoke in the language of prophecy, of a future event predetermined by God. For, in the next verse, we read that the Lord said to him : " Whosoever slayeth Cain, vengeance shall be taken on him sevenfold." And further : " The Lord set a mark upon Cain, lest any finding him should kill him." Cain was, in fact, simply expressing his fear that, being an outcast on the earth, his life was no longer safe, and that whoever met him might slay him ; he ought, therefore, to say, according to the modern idiom, " Whoever findeth me, *will* slay me."

Again, in the First Book of Kings, called in the Authorized Version, the First Book of Samuel, we are told that Saul sent messengers to David's house, to watch him,

<sup>1</sup> Gen. iv. 14.

and to slay him in the morning ; and David's wife warned him of his danger, and urged him to fly, saying : " If thou save not thy life to-night, to-morrow thou *shalt* be slain."<sup>1</sup> In this passage, it is plain that David's wife did not mean to threaten nor to prophesy, but simply to express her fears that David would be killed if he did not save himself by flight. Therefore the modern idiom would require *will* ; but the translators, following the older idiom, used *shall* in the sense of simple futurity.

Another interesting example occurs in the Book of Numbers, where God having threatened to disinherit the people, and to smite them with pestilence, Moses thus remonstrates : " Then the Egyptians *shall* hear it (for thou broughtest up this people in thy might from among them) ; and they will tell it to the inhabitants of this land."<sup>2</sup> According to the modern idiom, this would be a threat, on the part of Moses, that he would report the matter to the Egyptians ; whereas it is, in fact, only a statement that the matter would inevitably come to their knowledge. The translators of the Bible were evidently not consistent in their use of *shall* ; for in the next sentence they drop the *shall* with which they had set out, and put *will* in its place : " And they *will* tell the people of this land."

Here is another example which has a special interest in connection with the history of this subject. We read in the Authorized Version : " And Jacob said to Simeon and Levi, Ye have troubled me to make me to stink among the inhabitants of the land ; . . and I being few in number, they *shall* gather themselves together against me, and slay me."<sup>3</sup> The modern idiom would, of course, require *will* : " They *will* gather themselves against me, and slay me." In this passage, it is interesting to note, the *shall* of the Authorized Version has been changed into *will* by the Revisers of 1885.

A more remarkable example, in which the modern Revisers have changed *shall* into *will*, occurs in the Gospel of St. Luke. We read in the Authorized Version : " What

<sup>1</sup> 1 Sam. xix. 11.

Numb. xiv. 11-14.

<sup>3</sup> Gen. xxxiv. 30.

therefore *shall* the lord of the vineyard do unto them? He *shall* come and destroy these husbandmen, and *shall* give the vineyard to others.”<sup>1</sup> The Revisers have changed it thus: “What therefore *will* the lord of the vineyard do unto them? He *will* come and destroy these husbandmen, and *will* give the vineyard unto others.” This is quite right. But one is tempted to ask why the Revisers, having put their hand to the plough, should have faltered in their work, and left *shall* unchanged in many other passages where the change was equally needed.<sup>2</sup>

A very cursory review of the text of the Authorized Version is sufficient to reveal many inconsistencies in the employment of *shall* and *will*, which would seem to show that the authors of the version were not guided by any fixed principle in the use of these auxiliaries. For example, we read in the Apocalypse, called in this version, Revelation: “Behold the tabernacle of God is with men, and he *will* dwell with them, . . . and God himself *shall* be with them, and be their God. And God *shall* wipe away all tears from their eyes.”<sup>3</sup> Here Wycliffe had used *shall* throughout, according to his practice, and said consistently: God *shall* dwell with them, he *shall* be their God, God *shall* wipe away all tears. But the authors of the more modern version, inconsistently, as I think, changed the first *shall* into *will*, and retained the other two.

In the Gospel of St. Luke, our Lord says, speaking of the coming of St. John the Baptist: “He *shall* baptize you with the Holy Ghost and with fire; whose fan is in his hand, and he *will* thoroughly purge his floor, and *will* gather the wheat into his garner; but the chaff he *will* burn with fire unquenchable.”<sup>4</sup> Here, again, Wycliffe used *shall* throughout, and in the Authorized Version the first *shall* is retained, while the others are changed into *will*.

<sup>1</sup> xx. 15, 16.

<sup>2</sup> See an interesting discussion on this subject, by Mr. George Washington Moon, who severely censures the Revisers for their inconsistency with regard to the use of *Shall* and *Will*; *Ecclesiastical English*, pp. 187-192.

<sup>3</sup> Rev. xxi. 3, 4.

<sup>4</sup> Luke iii. 16, 17.

Again, we read in the Gospel of St. Matthew: "Beware of men, for they *will* deliver you up to the councils;" while a few lines further on, we find: "And the brother *shall* deliver up the brother to death."<sup>1</sup> In the same Gospel, referring to the day of Judgment, our Lord says: "Many *will* say to me in that day, Lord, Lord, have we not prophesied in thy name?"<sup>2</sup> This use of *will* is quite in accordance with the modern idiom. But when the translators come to the twenty-fifth chapter, they seem to forget what they have done in the seventh, and they make our Lord say, still referring to the day of Judgment: "Then *shall* the righteous answer him, saying, Lord, when saw we thee an hungered, and fed thee?"<sup>3</sup>

In the Acts of the Apostles we read: "Thou *wilt* not leave my soul in hell, neither *wilt* thou suffer thine holy one to see corruption. Thou hast made known to me the ways of life; thou *shalt* make me full of joy with thy countenance."<sup>4</sup> In this passage, Wycliffe, as usual, consistently renders the future tense, in each case, by *shall*; Thou *shalt* not leave my soul in hell; Thou *shalt* not give thine holy one to corruption; Thou *shalt* fill me in mirth with thy face. But the Authorized Version, with obvious inconsistency, as it seems to me, changed *shall* into *will* in the first two phrases, and retained it unchanged in the third.

A more striking evidence of inconsistency, perhaps, is afforded, when the *same* discourse of our Lord is recorded in two Gospels, and the Authorized Version employs *shall* for the future auxiliary in one case, and *will* in the other. Thus we read, in St. Mark, "What *shall* therefore the lord of the vineyard do?"<sup>5</sup> while in St. Matthew, the question runs: "When the lord therefore of the vineyard cometh, what *will* he do unto those husbandmen?"<sup>6</sup> In the answer, the translators are not less inconsistent than they are in the question. We read in St. Mark: "He *will* come and destroy the husbandmen, and *will* give the vineyard unto

<sup>1</sup> Matth. x. 17, 21.

<sup>2</sup> Matth. vii. 22.

<sup>3</sup> Matth. xxv. 37,

<sup>4</sup> Acts ii. 27, 28.

<sup>5</sup> Mark xii. 9.

<sup>6</sup> Matth. xxi. 40.

others;”<sup>1</sup> but in St. Luke, it is: “He *shall* come and destroy these husbandmen, and *shall* give the vineyard to others.”<sup>2</sup>

One more example, and I will leave this branch of the subject. Our Lord sent forth two of his disciples to prepare the Passover, telling them to ask the good man of the house for the guest-chamber. Then he adds, as we read in St. Mark: “He *will* show you a large upper room furnished.”<sup>3</sup> This is the modern idiom. But in the Gospel of St. Luke, we find: “He *shall* show you a large upper room furnished.”<sup>4</sup> This is a survival of the old idiom.

In discussing the use of *shall* in the English version of the Bible, there is one consideration to which I should wish to call attention, as it seems to me to have been overlooked by previous writers on the subject. Where *shall* is employed in the English Bible, we find, as a rule, simply the future tense in the original text. Now, the future tense, considered in itself, expresses futurity and nothing more. Hence it follows that, in so far as *shall* means anything more than simple futurity, it adds something to the text which is not expressed in the original. This is perhaps no disadvantage, when the idea so added is implied, at least, in the original. Thus, for example, when God said to Adam, “In the day that thou eatest thereof, thou *shalt* surely die,”<sup>5</sup> the English words express a threat, according to the modern idiom; but this threat is plainly conveyed in the Hebrew text, by the circumstances in which the words were spoken. Again, when we read in St. Matthew’s Gospel, “He that shall endure unto the end, the same *shall* be saved,”<sup>6</sup> the words express a promise; and the promise is clearly in accordance with the meaning of our Lord.

But the *shall* of the English version is open to serious objection, as it seems to me, when the sense of a passage, understood according to the modern idiom, is directly at variance with its true biblical meaning. Let us consider,

<sup>1</sup> Mark xii. 9.

<sup>2</sup> Luke xx. 16.

<sup>3</sup> Mark xiv. 15.

<sup>4</sup> Luke xxii. 12.

<sup>5</sup> Gen. ii. 17.

<sup>6</sup> Matth. xxiv. 13.

for example, the text : " I send unto you prophets, and wise men, and scribes ; and some of them ye *shall* kill and crucify ; and some of them *shall* ye scourge in your synagogues, and persecute them from city to city." <sup>1</sup> Our Lord, in this passage, intends only to announce the future fact, that the Jews would scourge and slay the prophets sent amongst them. Accordingly, the words of the Greek text express simple futurity, and nothing more. But the English words, interpreted according to the modern idiom, convey the idea of a command or instruction to slay the prophets. Thus the meaning suggested by the English text is strongly opposed to the true sense of the passage. It would be easy to bring the two into harmony, by writing *will* for *shall* : Some of them you *will* kill and crucify, and some of them you *will* persecute in your synagogues.

In like manner, when our Lord said to St. Peter, " Before the cock crow, thou *shalt* deny me thrice," <sup>2</sup> He meant simply to announce the future fact ; whereas the words of the English version suggest the idea of compulsion or command. But if we change *shall* into *will*, we express exactly the sense of the original text, and make no suggestion of a false meaning ; Before the cock crow thou *wilt* deny me thrice.

It would be easy to multiply examples. But enough has been said to suggest that the use of *shall*, in the Authorized Version, is sometimes open to grave objection. The idea conveyed in the original text, is that of simple futurity. This idea was correctly represented in Wycliffe's translation, according to the idiom of his time, by the use of *shall*. But by a change of idiom, *shall* has received a new meaning. It no longer conveys the idea of simple futurity, when used in the second or third person, but suggests the notion of compulsion or command. Thus while the word remains the same, its meaning is now at variance with the true sense of the text. In such cases, and they are very numerous, it would seem to me desirable, in any future revision of the text, to change *shall* into *will*, and thus to

<sup>1</sup> Matth. xxiii. 34,

<sup>2</sup> Matth. xxvi. 34,



bring the biblical usage into harmony with the idiom of the people. We shall see presently that this change has been made, though I think somewhat too sparingly, by Dr. Challoner, in his revision of the Douay Bible.

#### IV. USE OF *SHALL* AND *WILL* IN THE DOUAY BIBLE

In the preceding section, I have spoken only of the Authorized Version of the Bible ; because that version, quite independently of its value as a translation, is a book of the highest literary excellence and authority. But almost all that I have said is equally applicable to the Catholic version, of which the New Testament was first published at Rheims, in the year 1582, and the Old Testament at Douay, in the years 1609 and 1610. As regards the use of *Shall* and *Will*, this version agrees substantially with the Authorized Version, though occasional differences may be detected here and there.

It should be observed, however, that the various editions of the Bible now current amongst Catholics, though professing to follow the Douay version of the Old Testament, and the Rheims version of the New, and commonly called by the name of the Douay Bible, differ in many respects from the first editions. Each editor seems to have felt himself justified in making such modifications of the text as appeared to him desirable. The most important revision of the original translation, was that made, about the middle of the last century, by the Right Rev. Dr. Challoner, Vicar-Apostolic of the London District. So many changes were introduced by him into the text that, in the opinion of Cardinal Newman, his revision may be regarded as being "little short of a new translation." As for the numerous Catholic editions now in common circulation, they are all based, directly or indirectly, on Dr. Challoner's version, though they differ from it, and from one another, in many points of minor detail.<sup>1</sup>

<sup>1</sup> See an interesting article by Cardinal Newman, on the History of the text of the Rheims and Douay version of Holy Scripture, which first appeared in *The Rambler* of July, 1859, and is now published in a volume entitled, *Tracts, Theological and Ecclesiastical*, Longmans, 1895.

For our present purpose, it is important to note that Dr. Challoner, besides being a fine English scholar, was an Englishman born and bred; and, therefore, presumably master of the English idiom. In making his revision of the Catholic version, he has repeatedly changed *shall* into *will*, being, in this respect, much more liberal than the Protestant Revisers of ten or fifteen years ago.

The changes he has made seem to me of great interest, as showing the judgment of an Englishman, in the middle of the eighteenth century, on the use of these auxiliaries in the versions of the Bible made by Englishmen about a century and a half before. I propose, therefore, to give a few examples, setting down, side by side: (1) the text of the original Rheims and Douay version (1582, 1610); (2) the text of Dr. Challoner's revision (1750); (3) the text of the Authorized Version (1611); and (4) the text of the Protestant revision of the present century (1880, 1885).<sup>1</sup> The reader will observe that some of the passages here quoted have been already noticed in this paper, and commented upon; and that the changes made by Dr. Challoner are all in the direction to which my arguments tend. I would also call attention to the fact that, in every instance except two, the Authorized Version agrees with the Rheims and Douay version; and therefore Dr. Challoner corrects both. The Modern Revisers, on the other hand, adopt the auxiliary employed in the Authorized Version, in every example quoted.

MATTH. vii. 22.

*Rheims Version.*—Many *shall* say to me in that day.

*Authorized Version.*—Many *will* say to me in that day.

*Challoner's Revision.*—Many *will* say to me in that day.

*Modern Revision.*—Many *will* say to me in that day.

<sup>1</sup> The text of the Douay version of the Old Testament I have obtained from a copy of the original edition, which is in the library of Maynooth College; and the text of the Rheims version of the New Testament, from the English Hexapla, published by Baxter of London. I have not been able to get a copy of any of the editions of Dr. Challoner's revision, published during his lifetime; but I have followed an American edition published by Sadlier of New York, in 1880, which professes to give the text of Challoner's edition of 1750.

MATTH. xxiv. 5.

*Rheims Version.*—Many *shall* come in my name, saying, I am Christ; and they *shall* seduce many.

*Challoner's Revision.*—Many *will* come in my name, saying, I am Christ; and they *will* seduce many.

*Authorized Version.*—Many *shall* come in my name, saying, I am Christ; and *shall* deceive many.

*Modern Revision* — Many *shall* come in my name, saying, I am Christ: and *shall* lead many astray.

MATTH. xxiii. 34.

*Rheims Version.*—Behold, I send unto you prophets, and wise men and scribes; and of them you *shall* kill and crucify, and of them you *shall* scourge in your synagogues.

*Challoner's Revision.*—Behold, I send to you prophets, and wise men, and scribes; and some of them you *will* put to death and crucify, and some of them you *will* scourge in your synagogues.

*Authorized Version.*—Behold I send unto you prophets, and wise men, and scribes; and some of them ye *shall* kill and crucify, and some of them *shall* ye scourge in your synagogues.

*Modern Revision.*—Behold I send unto you prophets and wise men, and scribes; some of them *shall* ye kill and crucify, and some of them *shall* ye scourge in your synagogues.

MATTH. xxvi. 34.

*Rheims Version.*—This night, before the cock crow, thou *shalt* deny me thrice.

*Challoner's Revision.*—This night before the cock crow, thou *wilt* deny me thrice.<sup>1</sup>

*Authorized Version.*—This night, before the cock crow, thou *shalt* deny me thrice.

*Modern Revision.* — This night, before the cock crow, thou *shalt* deny me thrice.

MARK xiv. 27.

*Rheims Version.*—You *shall* all be scandalized in me, in this night.

*Challoner's Revision.*—You *will* all be scandalized in my regard this night.

*Authorized Version.*—All ye *shall* be offended because of me this night.

*Modern Revision.*—All ye *shall* be offended.

<sup>1</sup> It is curious that, in the two parallel passages, Mark xiv. 30, and xiv. 72, Challoner retains the old translation: 'Thou *shalt* deny me thrice. He also retains the *shall* in a very similar passage of St. John's Gospel, xiii. 21: "Amen, I say to you, one of you *shall* betray me." All this seems to show that, like other modern translators, while his instinct suggested to him the modern idiom, he failed to carry it out consistently. The fact that he made the change in some cases, is to me more significant of his real opinion, than the fact that he neglected to make it in others.

## LUKE xx. 18.

*Rheims Version.*—Every one that falleth upon this stone shall be quashed; and upon whom it shall fall, it *shall* break him to powder.

*Challoner's Revision.*—Who-soever shall fall upon that stone shall be bruised; and upon whomsoever it shall fall, it *will* grind him to powder.

*Authorized Version.*—Who-soever shall fall upon that stone shall be broken; but on whomsoever it shall fall, it *will* grind him to powder.

*Modern Revision.*—Every one that falleth on that stone shall be broken to pieces; but on whomsoever it shall fall, it *will* scatter him as dust.

## 1 KINGS [1 SAMUEL] xix. 11.

*Douay Version.*—Unless thou savethyselthisnight, to-morrow thou *shalt* die.

*Challoner's Revision.*—Unless thou save thyself this night, to-morrow thou *will* die.

*Authorized Version.*—If thou save not thy life to-night, to-morrow thou *shalt* be slain.

*Modern Revision.*—If thou save not thy life to-night, to-morrow thou *shalt* be slain.

## PSALMS xxii. [xxiii.] 6.

*Douay Version.*—Thy mercy *shall* follow me all the days of my life.

*Challoner's Revision.*—Thy mercy *will* follow me all the days of my life.

*Authorized Version.*—Goodness and mercy *shall* follow me all the days of my life.

*Modern Revision.*—Goodness and mercy *shall* follow me all the days of my life.

## JEREMIAS xxvi. 15.

*Douay Version.*—Know ye, and understand, that if you kill me, you *shall* betray innocent blood.

*Challoner's Revision.*—Know ye, and understand, that if you put me to death, you *will* shed innocent blood against your own selves.

*Authorized Version.*—Know ye for certain, that if ye put me to death, ye *shall* surely bring innocent blood upon yourselves.

*Modern Revision.*—Know ye for certain that, if ye put me to death, ye *shall* bring innocent blood upon yourselves.

## 2 ESDRAS [NEHEMIAH] iv. 3.

*Douay Version.*—Tobias, the Ammonite, his neighbour, said: Let them build; if a fox come up, he *shall* leap over their stone wall.

*Authorized Version.*—Tobiah the Ammonite was by him, and he said: Even that which they build, if a fox go up, he *shall* even break down their stone wall.

*Challoner's Revision.*—Tobias, the Ammonite, who was by him, said: Let them build; if a fox go up he *will* leap over their stone wall.

*Modern Revision.*—Tobiah the Ammonite was by him, and he said: Even that which they build, if a fox go up, he *shall* break down their stone wall.

ESTHER ii. 11.

*Douay Version.*—He walked every day before the court of the house, in which the chosen virgins were kept, taking care of Esther's welfare, and desirous to know what *should* chance unto her.

*Authorized Version.*—Mordecai walked every day before the court of the women's house, to know how Esther did, and what *should* become of her.

*Challoner's Revision.*—He walked every day before the court of the house, in which the chosen virgins were kept, having a care for Esther's welfare, and desiring to know what *would* befall her.

*Modern Revision.*—Mordecai walked every day before the court of the women's house, to know how Esther did, and what *should* become of her.

JOSUE vii. 9.

*Douay Version.*—The Chanaanites *shall* hear of it, and all the inhabitants of the land, and being gathered together *shall* compass us about, and *shall* destroy our name from the earth.

*Authorized Version.*—The Canaanites and all the inhabitants of the land *shall* hear of it, and *shall* environ us round, and cut off our name from the earth.

*Challoner's Revision.*—The Chanaanites and all the inhabitants of the land *will* hear it, and being gathered together *will* surround us, and cut off our name from the earth.

*Modern Revision.*—The Canaanites and all the inhabitants of the land *shall* hear of it, and *shall* compass us round, and cut off our name from the earth.

V. ORIGIN OF THE PROPHETIC *SHALL*

The prophetic use of *shall* is one of the curious anomalies of the modern English idiom. All writers on the subject seem agreed that it is founded on the usage of the Bible, but they are not very satisfactory in explaining how this usage came into existence. To fix our ideas on the special character of the prophetic *shall*, let us take, as an example,

the language in which our Lord foretells the destruction of the temple of Jerusalem, and the signs of His second coming:

There *shall* not be left here one stone upon another, that *shall* not be thrown down. . . Ye *shall* hear of wars, and rumours of wars; . . Nation *shall* rise against nation, and kingdom against kingdom; and there *shall* be famines, and pestilences, and earthquakes, in divers places. . . Then *shall* they deliver you up to be afflicted, and *shall* kill you; and ye *shall* be hated of all nations for my name's sake. And then *shall* many be offended, and *shall* betray one another, and *shall* hate one another. And many false prophets *shall* rise, and *shall* deceive many. And because iniquity *shall* abound, the love of many *shall* wax cold.<sup>1</sup>

How are we to account for the use of *shall* in this and other like passages? Many writers attempt to explain it in accordance with the modern idiom, in which *shall* is used, in the second and third persons, in reference to future events dependent on the will of the speaker. This opinion is thus expressed by Dean Alford: "The almost uniform use of *shall* as applied to future events, and to persons concerned in them, is reserved for the prophetic language of the Bible, as spoken by One whose will is supreme, and who has all under his control."<sup>2</sup>

Whatever may be said of this explanation, when the events foretold are determined by the will of God, or, at least, are in conformity with his will, it seems to me very difficult to adopt it when they are directly contrary to his will. Thus, for example, in the passage cited above, we are asked to believe that *shall* is used in order to convey that God, by his supreme will, has determined that nation *shall* rise against nation; that many *shall* be offended, and *shall* betray one another, and *shall* hate one another; and that many false prophets *shall* rise and *shall* deceive many.

I have heard it sometimes argued, as if in reply to this objection, that this use of *shall* in the Bible is due to the influence of Calvinistic divines, who wished thereby to strengthen the argument in favour of predestination. But all this reasoning seems to me illusory, and it may be set aside by one very simple consideration. The peculiar use of *shall* in the Bible was not introduced by the authors of

<sup>1</sup> Matth. xxiv. 2-12.

<sup>2</sup> *The Queen's English*, p. 169.

the version of 1611. It came down from the time of Wycliffe; and it was, therefore, not adopted with any view to the modern idiom, which did not exist at that time, nor was it due to the influence of Calvinistic divines, who did not appear in England until more than a century and a half later.

It would seem, in fact, quite clear that the prevailing *shall* of the Bible is simply a case of survival. Wycliffe, who made his translation about the year 1380, employed *shall*, in all cases, as a future auxiliary, to express the sense of the future tense in the Latin version. A hundred and fifty years later, when the new idiom was coming in, Tyndale brought out a new translation. In this translation, he changed the *shall* of Wycliffe, in many cases, into *will*, but in a far larger number of cases, he left it unchanged. Then came the Authorized Version, in 1611, which, for the most part, adopted the changes made by Tyndale, and made some further changes of *shall* into *will*, on its own account. Thus it may be stated generally, that we are indebted to Tyndale, and the authors of the version of 1611, for the use of *will* as a future auxiliary in the Bible, but that the use of *shall*, as it now exists in the Authorized Version, has come down to us from Wycliffe.

Meanwhile, during the whole of the sixteenth and the early part of the seventeenth century, the new idiom, which gives a special significance to *shall* in the second and third persons, was gaining in strength and gradually displacing the old. But the language of the Bible remained fixed; and when the new idiom came to be fully established, it was felt that the use of *shall*, in biblical language, was in some respects anomalous. Grammarians were called on to account for this anomaly; and they accounted for it by giving it a name. They called it the *prophetic shall*.

From the Bible, the *prophetic shall* naturally passed to preachers, who adopt a language more or less biblical in its character; and to poets, who not unfrequently assume the mantle of the preacher or the prophet. It has thus become a recognised part of our modern idiom, within certain limits, which, though not easy to define, are instinctively observed by English writers.

## Progress of the Church

### THE TAX ON RELIGIOUS CONGREGATIONS IN FRANCE

**I**N the last number of the I. E. RECORD we stated that five or six of the religious congregations in France had addressed a joint letter to the Holy Father, informing his Holiness that, in virtue of the liberty of action granted to them by the Holy See, they had decided to pay the new tax which the Government has imposed on them, whilst at the same time vehemently protesting against its injustice, and the oppressive and anti-christian spirit that has dictated the recent legislation which sanctions it. We also stated that the Holy Father had again and again replied to inquiries made by French bishops and others, that he left absolute liberty to the religious congregations to do, with the advice of their bishops, what they thought best in the interests of their various houses and undertakings: to submit, if they thought submission were possible and advisable; to offer a passive but respectful resistance, if they thought it more prudent under the circumstances.

It is quite clear, therefore, that those congregations that have submitted were fully within their right in doing so; and that if, in their wisdom, they could not see their way to hazard the existence of the important works confided to them, and embark on a course, the issue of which should remain exceedingly doubtful, no blame could be attached nor reproach addressed to them.

We also stated that advice had been freely given to these congregations by journalists like Drumont and Paul de Cassagnac, urging them to resist; and we know that since their decision has been taken, these disinterested protectors of the Church have not spared reproaches and insinuations of selfishness, in their criticism of the authors of the joint letter of submission. What these congregations, however, are likely to feel more acutely than the strictures of political journalists, are the criticisms of those who are much nearer to them both in the press and in the ranks of the clergy. And yet, seeing that they have acted in virtue of the liberty expressly granted to them, we imagine that they shall not lose their peace, nor experience any trouble of conscience, whatever the opinions of others may be.

Whilst saying so much, we should not fail to add that those religious congregations which have determined to resist, and to allow



their property to be seized, in virtue of tyrannical and oppressive laws, are not only acting also within their rights, but that they deserve the sympathy and respect of Catholics all over the world. They will bring before the eyes of the people (what their oppressors do not want) the injustice of which they are the victims, and the tyranny which puts them outside the pale of the common law. They will expose the perfidious methods which are resorted to in order to starve them out, and get rid of them by unworthy devices, when they cannot be crushed by force. The sympathy of Catholics in other countries will go out to them with all the more sincerity as they are struggling in a noble cause and against unscrupulous enemies. Too often it has been the case in France that things are allowed to go by default, without any resistance. The present case will test many principles and many prophecies. We do not see, for our part, that there was any other course open to the great body of the congregations. They have nothing to gain, but probably all to lose, by allowing themselves to be quietly plundered. Ruin would be the result of submission in a few years; nothing worse can be the result of resistance. This is evidently the opinion of the Venerable Cardinal Parocchi, Vicar of Rome, who has recently addressed a letter of warm encouragement to Father Ange Le Doré, Superior of the Congregation of the Eudists, of which Congregation Cardinal Parocchi is the official Protector. The Eudists are amongst the congregations that have determined to resist, and the following is the text of the Cardinal-Vicar's letter :—

“The small but excellent Congregation of the Eudists, of which I am proud to be the Protector, has just given me a new proof of the admirable spirit that animates it. You have no illusions as to the result of the passive resistance you are about to offer ; but, in order to defend the rights and the honour of the Church, you are prepared for any issue. God is stronger than all combinations. It is by persecution and martyrdom that the glory of heaven is gained, and triumph upon earth as well.”

This same Father Ange Le Doré, Superior of the Eudists, has been made the spokesman of thirty-five congregations that have adopted the attitude of passive resistance. Having given extracts from the letter of the other five in our last number, it is only fair that we should record, in our present issue, the reasons which Father Le Doré and his friends give to the Holy Father in favour of their decision. After a brief introduction the letter proceeds :—

“When your Holiness directed us, a few years ago, to accept the existing form of our Government, we did so with loyalty and

without any false design. This time also we were disposed to submit with the same promptitude and spirit of obedience. A simple desire expressed by the Vicar of Christ would be for us the expression of the will of God Himself. But, Most Holy Father, you have done us the signal honour of allowing us to decide, in perfect freedom, with the advice of our bishops, as to the course which we should take in endeavouring to defend our interests, which are no other than the interests of the Church. We have recognised in this decision of your Holiness a mark of esteem and of confidence in the prudence, disinterestedness and courage of our congregations. We feel justly proud of that confidence, and in order to prove ourselves worthy of it, we offered up earnest prayers to Almighty God; we examined the question in all its bearings; we took the advice of our bishops: we met in council in order to compare our impressions and ideas; and, as a result we have been led to regard it as a duty to adopt a passive attitude.

"We do not wish thereby either to rebel or to inflict any injury on the Government. We simply say:—'We cannot pay this tax. Our resources and our consciences will not allow us. Here are our reasons :—

"1°. It is not a just tax that this law imposes: it is a system of robbery that it seeks to enforce. It is opposed to all the fundamental principles of French law: it is in contempt of the most sacred rights that we are asked to give up the goods of the Church and of the poor, of which we are merely passing trustees. We can not offer to deliver them. If you want them, you must seize them.

"2°. The object of the law is to ruin us, and destroy our societies and our works, slowly but surely, and without noise or excitement. To submit would be to lend ourselves spontaneously to this nefarious plot, and to sacrifice our works at home and abroad. We cannot do it.

"3°. This legislation seeks to degrade us, and hence assumes a penal character. It puts us outside the pale of the common law, as if we were public malefactors, a shame and a danger to our country. Why should our religious character deprive us of the common rights and privileges of Frenchmen? We defend our honour when we claim equality before the law, and refuse to submit to this ignominious and exceptional treatment of our congregations.

"4°. Finally, certain provisions of the law would tend to place in a position of miserable servitude and in direct subservience to the state, those societies that might seek for a dispensation. We prefer to maintain our independence and our liberty.

"It is true that laws of a similar nature have been already voted and carried out in France. In regard to them we confined ourselves to protests, and we have been subjected to their exactions.

Some congregations have thought that they could act in the same fashion on this occasion, and have explained their reasons in a letter addressed to your Holiness.

"As for us, we have different ideas. In common with the congregations that have submitted we have protested, and we shall protest again. We shall employ all legal means of averting the iniquity of this law. But, in order to succeed in enlightening public opinion, and in order to induce our Government to withdraw or to modify their regulations, we have resolved, should legal action fail us, to adopt a passive attitude towards the fiscal authorities. We shall refuse to pay voluntarily a ruinous tax which we do not owe.

"Our cardinals and bishops pronounced energetically against the law both before and after it was voted in parliament. In public letters they declared that the congregations could not and ought not to submit to it. We shall not, therefore, belie their words, and proclaim that their assertions were imprudent and exaggerated. The honour of the episcopate is involved in our action. We have considered it a duty to attest the wisdom and sincerity of their judgment, by observing the passive attitude which they have declared to be alone possible in fact and in conscience.

"Moreover, experience has taught us that in confining ourselves to mere protests, and submitting quietly to persecution, we have only encouraged our adversaries to devise new and more tyrannical measures against us. We have considered that if we continued to indulge in mere words, they would feel themselves justified in taking no account whatever of our protests, nor of those of our bishops. After having satisfied themselves that they may go to all extremes in their campaign against us, without having to fear anything more than Platonic protests, they would soon put forward the whole programme of the lodges, which aims at nothing less than the confiscation of our property and the destruction of our societies. One single method appears to afford some hope of withstanding this movement, and that method we have adopted."

The letter concludes with renewed expressions of devotion and fidelity to the Apostolic See, and of ardent sympathy with Leo XIII. in his own noble struggles against the powers of the world.

One of the last documents of importance that deals with this unfortunate tax, is a letter from Monsignor Fuzet, Bishop of Beauvais, defending his own position, and tendering some advice to his countrymen, which deserves attention on more grounds than one.

"In a country of universal suffrage [he says] it is not the

Government that is the master, nor even the Parliament : it is the people. It is to them we must address ourselves. We should use all our efforts to convince them, and gain them over to our views.

"But universal suffrage will not sanction our claims by favourable elections, if, whilst professing to accept the Republican Constitution, we prove our sincerity by abandoning regular and legal action, and having recourse to bitter and violent criticism of the regime which the country has chosen and intends to maintain."

"This is not the way in which the Catholics of Belgium and Germany succeeded in getting their parliaments to return to justice and redress their grievances."

"In France what do we do to change the state of things of which we complain? Do we go to work to reverse by constitutional methods, through the suffrages of the people, the decision that has been arrived at? Not at all. We commission our priests and religious orders to resist for us. It is the world upside down. Instead of sheltering themselves behind the clergy, who receive the blows and pay the expense of the campaign, let the Catholics of France go to the front and defend themselves. Instead of sending the clergy forward, let them go forward themselves, and act on public opinion, and win elections, and constitute a majority in parliament. The operation may require time, but if we struggle in a just cause, and work with wisdom, perseverance, and that political foresight which the immortal Leo XIII. never ceases to commend by word and example, we shall surely succeed, God assisting us."

"The other method, that of violent declamation, empty bravado, and systematic opposition, is shorter, and more easy : but it will lead us to irremediable disaster."

Such are the various positions taken up by the defenders of Catholic interests in France. We sincerely hope that this onslaught, made upon the Church, may be successfully repelled, and that it may have the effect of stimulating the Catholic laity to combine and work together with more energy and spirit in defence of their interests. Foreign nations hear a good deal of their grievances, and of their complaints against infidel cabinets, masonic ministries, and heathen majorities. They do not hear as much as they would like of their organization, unity, and discipline,

J. F. HOGAN.

## Theological Notes

### ANSWERS TO CORRESPONDENTS

#### IS THERE AN OBLIGATION TO COMMUNICATE AT CHRISTMAS TIME ?

REV. DEAR SIR,—Will you kindly say if there is for the faithful of this country any obligation of receiving the Sacraments during the interval in which what are known as “The Christmas Stations” are accustomed to be held ; and, if so, from what source does the obligation arise ?

I may mention, that some years ago one of the bishops of the Southern Province—a very eminent and accurate theologian—stated publicly in his own cathedral church that there was a strict obligation, binding under pain of mortal sin, without, however, mentioning from what source.—Yours faithfully.

T. C.

We know of no such obligation. An obligation may be conceived to arise either (1) from the general law of the Church ; (2) from local legislation—national, provincial, or diocesan—or (3) from custom with the force of a law.

But (1), since the fourth Lateran Council, there certainly is no general law enjoining the “Christmas duty.”

(2) There is no trace of such an obligation in the Maynooth Statutes. Nor, as far as we know, is there any provincial or diocesan legislation on the matter in this country. As we do not know the diocese referred to, we cannot easily make local inquiries. Besides, we take it that there is question of an obligation over this country generally.

(3) We think it likely that the obligation is supposed to have arisen through custom. No doubt, there has been, and is, in this country a custom of going to Communion about Christmas time. But we are not disposed to think that the existence of this very general and pious custom proves an obligation.

Suarez, and with him very many theologians, hold that custom, provided it have certain conditions which they enumerate, always receives the legal consent of the legislator,

and has the force of a law. Others, with, in our opinion, more probability, contend that custom is, at most, never more than proof of past legislation which is still binding, and of which custom itself may be the only extant evidence. Now, having no desire to dwell upon the examination of a source of obligation—which may not be that on which it was intended to rely—we shall merely say that whichever of the opinions just cited be adopted, we fail to see how a certain obligation can be established. In the second opinion, it would be necessary to show that the *major et sanior* of the community have been considering this Christmas communion as strictly obligatory. This would be difficult to prove, we think. There is no mention of this obligation in our catechism; until now we never heard that it was preached from our altars; there is no time specified for its fulfilment; the better instructed among the faithful, generally speaking, at all events do not examine their conscience or accuse themselves in confession in regard to it; their pastors themselves seem to know nothing of it.

If we elect the opinion of Suarez, it would be necessary to show that the people, or the majority of them, have been year after year approaching the sacraments, not solely from devotion, not from an unfounded belief in an obligation, but with the intention of superinducing a new obligation. Suarez himself writes :—

“Nunquam enim praescribitur consuetudo ad effectum inducendi legem etiamsi, per mille annos duret, nisi frequentia actuum facta sit ex intentione inducendi jus.”<sup>1</sup>

And a little further on he adds :—

“Unde dico non esse facile judicari de obligatione praecepti per consuetudinem inducta et in dubio ac caeteris paribus potius esse inclinandum in eam partem quod consuetudo sit devotionis vel honestatis et ad melius esse quam obligationis; quia regula generalis est quod in dubio nemo praesumitur velle obligari; neque expedit multiplicari praecepta.”

If there be an obligation arising from custom of going to Communion at Christmas time, it still awaits proof.

<sup>1</sup> Lib. vii., cap. xv., 117

MAY CATHOLICS SERVE MEAT TO PROTESTANTS ON FRIDAY

REV. DEAR SIR,—Some days ago I made a statement in the presence of a clerical friend of mine, a statement that he denied, namely, that it was not permitted to Catholics to prepare meat and to serve it to Protestants upon fast days. Now the question that was discussed upon the occasion that I refer to was not, if it was permitted to servants employed by Protestant masters, or to those who keep hotels for the convenience of the general public, to prepare meat and to serve it to Protestants upon fast days. I have no doubt but the serious inconvenience that would occur in such circumstances would be sufficient to justify those parties that I have referred to in supplying meat to Protestants. The question that I discussed with my clerical friend was: Was it permitted to a Catholic, in circumstances where no serious inconveniences could arise, to invite a Protestant to dinner upon a fast day, and to supply that Protestant with meat? I was of opinion, upon the occasion that I held the discussion above referred to, that it was not permitted to a Catholic to supply meat to Protestants upon fast days, and I am of the same opinion still. My reason for holding such an opinion is, that although Protestants disregard the laws of the Catholic Church, and although they are not guilty of sin when they eat meat upon fast days, yet that it is not permitted to Catholics to co-operate with Protestants in setting aside those laws.

Would you kindly publish the above letter in the I. E. RECORD, and give your decision upon what I consider a very practical question?

SUBSCRIBER.

The answers to the two following questions should furnish a reply to the inquiries of our correspondent:—

1. Do Protestants violate the law of the Church by eating meat on Friday, *v.g.*?

2. If they do, may a Catholic invite a Protestant to dine on Friday, and may he serve up meat for his use?

In reply to 1.—(a) Protestants who are not baptized are not subject to the laws of the Church. Quakers, *v.g.*, though they reject baptism, are often called Protestants. They are *not bound* by, and therefore *cannot violate*, ecclesiastical laws, such as that of abstinence. (b) Baptized Protestants do violate the law of the Church by eating meat

on Friday. They are subject to the ecclesiastical laws, and are bound by them, unless express exemption be made in their favour. We find such an exemption in many places in regard to the law of clandestinity ; not, however, in regard to the law of fasting or of abstinence. Often, no doubt, in the case of Protestants, the violation of the ecclesiastical law is not *formally*, but only *materially* sinful, owing to ignorance of the obligation.

In reply to 2.—(1) It is *per se* lawful to invite and serve meat to unbaptized persons. (2) It is not lawful without a justifying cause to do so in regard to those who are baptized. To invite a baptized Protestant in the circumstances would be “to co-operate materially”—we assume that there is no question of formal co-operation—in the violation of the ecclesiastical law. Such co-operation, to be lawful, requires a justifying cause. Hence, it is not free to Catholics to invite a Protestant to dine on Friday, and serve up meat, *unless*, by omitting to do so, he would suffer some special inconvenience.

We desire to add, however, that no very great cause is required to justify the co-operation in question. Seeing (1) that the sin with which the Catholic co-operates is (probably) only a material sin, and (2) that, if the Protestant does not eat meat at the table of the Catholic, he will somewhere else, it follows from the common teaching of the theologians in this matter that a *causa levior* would suffice. Hence, if the Catholic were under some special obligation to invite a Protestant to dine, and if no day but Friday were available, or, if a Protestant were visiting for some time at the house of a Catholic, and if he were really likely to take offence if meat were not served to him on Friday, in our opinion, a Catholic would be justified in having meat served on Friday.

#### QUESTIONS REGARDING INFANT BAPTISM, EASTER COMMUNION, AND VIATICUM

REV. DEAR SIR,—As the following cases are not uncommon in the London Workhouse Infirmaries (therefore Protestant),



would you kindly advise on the following questions connected with them :—

Case I.—A baby, twelve months old, entered as a Roman Catholic in the Creed Register, is in proximate danger of death. May it be baptized *conditionally* ? 1. Because the class of people to which the parents belong frequently delay the baptism beyond twelve months, and even omit it altogether. 2. Because *hic et nunc* there are no ordinary means of ascertaining whether the child has been baptized, or, as often happens, the parents have deserted the child.

Case II.—A baby, one or two years old, not in danger of death, but not yet baptized, through the neglect of the parents, who are only *nominal* Catholics, and have no fixed abode, but are not in the workhouse. May the child be baptized privately in the infirmary, since there is a prudent suspicion that the parents will altogether neglect the baptism, although they make an indefinite kind of promise to have it baptized ? If the child is *recently* born of the same kind of parents, would it be lawful to baptize it privately, for similar reasons ?

Case III.—A patient has been bedridden for two years suffering from the decay of old age, consequently very weak of intellect, but is likely to last for an indefinite period. May such a patient receive Easter Communion, if *morally* unable to fast, *e.g.*, through repeatedly forgetting to remain fasting, or being unable to pass the night without a drink ? There is no particular danger of death, and to give Holy Communion shortly after midnight would cause in the infirmary both inconvenience and great surprise.

Case IV.—Patient in immediate danger of death—in fact, almost in his agony, baptized only, and of very rude intelligence. He has some crude notion of what the Protestants call *The Sacrament*. Would the following decree apply to him : “Non administrandum Viaticum, nisi saltem discernant cibum spirituales a corporali, cognoscendo et credendo in Sacra Hostia præsentiā Christi Domini.” (S. C. S. O. 10 Apr., 1861.)

A CHAPLAIN.

I. The child should be baptized conditionally. In the circumstances, there is a reasonable doubt as to the child's former baptism. If there were time and opportunity, an effort should, of course, first be made to resolve the doubt.

II. Whether recently born or not, the child ought to be

baptized. The baptism, however, should, according to the general law, take place in a church. As the parents have no "fixed abode" the child may lawfully be baptized in *any* church. The first Prov. Synod of Westminster desiring to enforce in England the general discipline of the Church regarding the place for administering baptism, decreed as follows: "Baptismus in sola ecclesia debet administrari nisi in casibus in Rituali exceptis; et quidem secluso casu periculi vel gravis incommodi, non sine episcopi permissu." We are not sufficiently familiar with the working of the London infirmaries to say whether there is anything to justify the conferring of baptism on the inmates, *extra ecclesiam*.

III. This is a case in which it undoubtedly seems lawful to give Communion shortly after midnight. But the present discipline of the Church and the weight of authority is against the administration of Communion to a patient who is not fasting nor in proximate danger of death. Elbel, indeed, and a few others, would permit it in cases of necessity. O'Kane would not condemn the practice, at all events as regards the administration of the Paschal Communion. But the authority of Benedict XIV. is clear and decisive on the other side. In the letter, *Quadam de more*, he writes: "Ut alicui expressis casibus non comprehenso liceat, etsi non jejuno, sacra participare mysteria, necesse erit eundem expressa dispensatione juvari: quae porro dispensatio a nemine praeter Romanum Pontificem potest indulgeri." Suarez and Lugo are also against the practice, and among modern writers we find, for example, Aertnys, Lehmkuhl, and Konings, holding the same opinion. The latter writes: "*Theologi nonnulli id permittunt . . . Sed contradicit sententia communissima theologorum cum Suarez qui asserit solum Papam hac in lege dispensare posse*," 1309, Quaer. 11. If, therefore, the patient be really not a subject for the Viaticum, Communion should be received fasting.

IV. If, having instructed the man as well as time and circumstances permit, *it remains clear* that he has *no idea* of the real presence of our Lord in the Eucharist, the decree quoted does apply, and the Viaticum should not be administered. But if we are merely *doubtful* as to the

sufficiency of the man's knowledge, the Viaticum certainly may, and, we think, ought to be given. For persons of this kind, the rule to be followed is the same as that applied to children, who not having been yet admitted to first Communion, are in danger of death.

#### DISPENSATIONS IN BANNS

REV. DEAR SIR,—In a diocese where the banns are not published, and if the parties to be married are not of the same parish, must a postulation for a dispensation in banns be made to the bishop or vicar by the respective parish priests?

CORRESPONDENT.

No; one postulation suffices. If the contracting parties belong to different dioceses, the practice, we believe, is to seek a dispensation from both Ordinaries. But, even in that case, it is probable that one dispensation is sufficient (*vid.* St. Alphonsus, 1005; Feije, 266; Lehmkuhl, ii. 675). Therefore, though the practice of obtaining a dispensation from each bishop is to be commended (*vid.* Feije, St. Alphonsus *locis citatis*; Aertnys, 1539), it is not, in view of the authority of theologians, absolutely necessary. Manifestly, the same holds true, with equal reason, where the parties belong to different parishes of the same diocese.

#### DISPENSATIONS IN MATRIMONY

REV. DEAR SIR,—You will much oblige by answering the following in the I. E. RECORD.

I write to my Superior for a dispensation in one of the impediments of matrimony, and I state one of the canonical causes which really exists. Knowing, however, that the Superior will refuse, and, moreover, that the cause I state will not have the *slightest* influence on him, I, *mala fide*, add in the letter another cause which is utterly false, but on account of which he grants the dispensation. Is it valid?

J. T.

The dispensation is invalid. We assume that, besides the cause falsely alleged, there was only *one* true cause mentioned, and that it did not influence the will of the Superior to grant the dispensation. In the mind of the

Superior, the dispensation was conditional on the truth of a statement made. That statement was false, and therefore the dispensation was clearly invalid.

Moreover, even though it could be supposed that in granting the dispensation the Superior was moved by the cause truly alleged, the dispensation would, in the opinion of Feije and others, still be invalid, owing to the *mala fide* allegation (*vid.* Feije, 724). Haine, Konings (162, iii. I), D'Annibale (i. 238, 16) would hold such a dispensation invalid *post sententiam judicis*. In practice, we think, the Superior should be consulted if such a case were to arise. In the case made by our correspondent, however, there is no room for doubt.

D. MANNIX.

## Liturgical Notes

### ANSWERS TO CORRESPONDENTS

#### THE OBLIGATION OF USING WAX CANDLES DURING MASS

REV. DEAR SIR,—An answer in the next number of the I. E. RECORD to the following questions would greatly oblige a subscriber :—

1. Is a priest bound *sub gravi* to use wax candles at the celebration of Mass?

2. Can a priest, with a safe conscience, celebrate Mass in churches where the use of other than wax candles has existed for some time?

3. Can poverty be an excusing cause for the use of candles not wax?

4. When a priest celebrates privately, is he bound *sub gravi* to use wax candles? Is he more strictly bound in this case than when saying a public Mass?

INQUIRER.

1. According to the all but unanimous teaching of theologians, the obligation of using wax candles during the celebration of Mass is a grave obligation. It is generally admitted, however, that in a case of necessity, as, for instance, if a priest wished to consecrate, in order to give

the Viaticum to a dying person, or to enable a number of people to fulfil the precept of hearing Mass on a day of obligation, wax candles may be dispensed with, provided candles of some other material can be procured. Indeed, Suarez, and a few others, would permit a priest to celebrate now and again, through mere devotion, with candles not wax. St. Alphonsus, it is true, rejects this latter opinion as not sufficiently probable; nevertheless we should have no hesitation in following it. For, as St. Alphonsus himself teaches that, in the case in which a priest cannot procure vestments of the proper colour on a day which excludes votive Masses, it is better for him to say Mass in any colour vestments, than to omit Mass altogether; so it may be said, that it is better to celebrate Mass with candles of any material than not to say Mass at all. We wish, of course, to be understood as speaking of a purely accidental case which happens in circumstances unforeseen by the priest, and in which it is impossible for him to procure wax candles.

2. From what has been said in reply to the first question, it is clear, that the pastor or rector of a church is bound *sub gravi* to provide wax candles for the celebration of Mass. Should he, however, neglect or despise this obligation, priests who celebrate in the church, whether they be assistants of the pastor celebrating a private Mass or a Mass of obligation, or strangers resorting to the church to say a private Mass, would seem to be justified in celebrating with the candles provided by the pastor. Thus the Congregation of Rites, replying on March 8th, 1879, to a French priest who asked whether he should abstain from saying Mass in churches in which wax candles were not used, told him to follow the advice of his bishop.<sup>1</sup>

<sup>1</sup> "R.D.X. . . . sacerdos exposuit quae sequuntur S. R. Congregationi ab eaque opportunum responsum implorat, nimirum; Usus sat generalis in Gallia viget quod candelae pro Missa non sint ex cera, nisi pro minima parte . . . Itaque supplex quaesivit orator utrum in casu quo sibi extra ecclesiam qua solet celebrare necessitas incumbit adeundi ob confessiones audiendas sibi liceat ibi missam celebrare cum praedictis cereis an debeat in praedictis locis a celebratione missae abstinere, S. Congregatio . . . in casu rescribendum censuit. Orator acquiescat sententiae sui Episcopi. Atque ita rescripsit die 8 Martii, 1879." (Apud Lehmkühl, vol. ii., n. 233, note ad 4.)

3. If by "poverty" our correspondent means such a want of funds as renders it morally impossible to purchase wax candles, then it would seem to be probable that poverty might justify a priest in using candles made of a cheaper material than wax. But even in this speculative case the priest concerned should acquaint his bishop, and obtain from him, or through him from the Congregation of Rites, permission to use candles not made of wax. In these countries, however, poverty justifying in practice the use of candles other than wax during the celebration of Mass is unknown. In the year 1850 the Congregation of Rites granted permission to certain missionaries in Australia to use sperm candles instead of wax, but only on condition that the difficulty of procuring wax candles amounted to a moral impossibility, and left the missionaries no alternative but either to celebrate without any light, or use the sperm candles mentioned in the demand.

4. The answer to the fourth question may be easily inferred from the answers to those that preceded. A priest celebrating a private Mass is bound *sub gravi* to use wax candles. Still, as has been shown, there are two cases in which the priest may celebrate a private Mass, from devotion only, with candles of another material. The first case is when a priest who supplies his own candles accidentally permits his stock of wax candles to become exhausted. In this case it is sufficiently probable that he can celebrate with tallow or sperm candles for one or two days until he can procure wax candles. The second case is when a priest is either obliged or desires to celebrate in a church for which another supplies the candles. If he discovers that the candles used are not wax, he may, according to our interpretation of the reply of the Congregation of Rites to the French priest, celebrate even a private Mass of devotion.

To the second part of this fourth question we reply that the obligation of using wax candles is the same whether the Mass be a private or a public one. But when the Mass is public—especially if it be a public Mass on a day of obligation—a less grave cause will justify the use of candles not made of wax.

II. MAY THE MATINS AND LAUDS OF ALL SOULS' DAY BE ANTICIPATED

REV. DEAR SIR,—May I ask if the Matins and Lauds of All Souls' Day can be recited verbally on All Saints' Day? The rubric would appear to suggest an affirmative answer, as it states that the Office for the Dead should commence after the recitation of the Office of the day, viz., after Lauds.—Yours truly.

LAON.

The Matins and Lauds of All Souls' Day can be anticipated on the evening of All Saints' Day. Our correspondent has himself pointed out the reason. The special rubric of the Breviary says: "*Dicto Benedicamus Domino* [after Lauds of the second day within the Octave of All Saints], *absolute incipit matutinum defunctorum.*" Now it is quite certain that the Matins and Lauds of the day within the octave can be anticipated by those who recite the office in private; and from the words of the rubric it is plain that it is not only lawful, but proper to commence the Matins of the Dead immediately after the Lauds of the day. This opinion is regarded "probable," "more probable," and "most probable" by various theologians of standing, and is, consequently, sufficiently certain to justify one in following it in practice. Some theologians, however, reject this opinion on the strength of a decree of the Congregation of Rites, which says:—

"*Matutinum defunctorum pro generali eorum commemoratione recitandum est mane die secunda Novembris, non vero pridie vespere.*"

But St. Alphonsus has shown<sup>1</sup> that this decree refers to the recitation of the Office in Choir, not to the private recitation of it.

D. O'LOAN.

[We are obliged, for want of space, to hold over till January two important questions regarding the veiling of the Stations of the Cross during Passiontide, and the application of the Mass "Pro Sponso et Sponsa."—ED. J. E. R.]

<sup>1</sup> L. 5, n. 174.

## Documents

### WARNING OF THE SACRED CONGREGATION OF THE INQUI- SITION AGAINST ERRORS WHICH MIGHT BE INTRODUCED BY ILL-DIRECTED PIETY.

Feria IV., 3 aprilis, 1895. In suprema Congregatione Em̃orum ac Rm̃orum Patrum contra haereticam pravitatem Generalium Inquisitorum non semel actum est de norma praescribenda Archiconfraternitati Romanae et sodalitati Religiosorum Issodunensium colendi B. Virginem Dei Genitricem Mariam sub titulo *Dominæ Nostræ a Sacro Corde Iesu*, et de Imaginibus ipsius B. Virginis, quae illum repraesentant, expansis manibus stantem, et puerum Iesum ante illius genua item stantem. Et titulum quidem admitti posse, Imagines autem non probari et a publica veneratione removendas esse decretum est, ac tolerari tantummodo in Ecclesia Sodalium Issodunensium; inducendas vero esse, quantum fieri possit, Imagines B. M. Virginis Puerum Iesum in ulnis gestantis. Sperandum fuerat has supremæ Congregationis praescriptiones debita obedientia excipiendas esse, et executioni fideliter mandandas. At contra, non sine aegritudine compertum est Imagines non probatas pluribus exemplaribus iterum impressas passim evulgari, et fidelibus distribui adversus decreta et mentem huius Sacrae Congregationis: duos praeterea editos libellos, qui inscribuntur *Chemin de la Croix du Sacré Cœur* et *Le Rosaire de Notre Dame du Sacré Cœur*; iisque libellis antiquas ab Ecclesia probatas, commendatas et quotidianum in usum maxima cum fidelium utilitate inductas pias preces in aliam veluti faciem et figuram transformari. Hinc Sacra Congregatio summopere sollicitus de lege supplicandi, quae legi credendi respondeat, remature perpensa, priora decreta confirmando, et quatenus opus sit, innovando, imagines, de quibus supra, iterum improbat, et fidelium venerationi ac pietati proponi vetat, et ubi toleratae fuerunt, caute prudenterque removeri, et earum loco probatas restitui praecipit. Libellos autem supra memoratos, aliosque similes, iterum improbat et proscribit ac novas precandi formulas in illis vel in eorum quolibet propositas, quominus publice recitentur prohibet, et a quovis usu publico arcendas mandat. Abs re non erit hic in mentem revocare monitum generale aeditum decreto feria IV die 13 Januarii 1875, quod ita se habet: "Mandavit praeterea Eadem Sanctitas Sua per huiusmodi pub-



licationem monendos esse alios etiam scriptores, qui ingenia sua acuunt, super iis aliisque id genus argumentis, quae novitatem sapiunt, ac sub pietatis specie insuetos cultus titulos etiam per ephemerides promovere student, ut ab eorum proposito desistat; ac perpendant periculum, quod subest pertrahendi fideles in errorem etiam circa Fidei dogmata, et ansam praebendi Religionis osoribus ad detrahendum puritati doctrinae catholicae ac verae pietati."

DECREE OF THE SACRED CONGREGATION OF RITES, RAISING  
THE FEAST OF THE ANNUNCIATION OF THE BLESSED  
VIRGIN TO A DOUBLE OF THE FIRST CLASS.

Jure sane ac merito festum B. Mariae Virginis. Deiparae ab angelo salutatae, ab antiquissimis temporibus institutum et penes Latinam Ecclesiam et Graecam pari solemnitate celebratum est; siquidem Dominicae Incarnationis Mysterium tanquam ceterorum fundamentum Sacra Liturgia profitetur. Hinc Apostolicae Sedi supplicia vota haud semel porrecta sunt ut festum istum Annuntiationis B. M. V. ad maximum ritum in Universa Ecclesia eveheretur. Itaque Sacra Rituum Congregatio in peculiari Coetu, pro nova Decretorum authentica Collectione evulganda, ad Vaticanum subsignata die habito, omnibus mature perpensis, rescribendum censuit: "Festum Annuntiationis B. M. V. die 25 Martii occurrens, in universa ecclesia ritu duplici primae classis amodo recolendum esse, cum omnibus juribus celebriorum festorum propriis, etsi Octavo carens ob temporis quadragesimalis rationem. Ceterum quoties cumque vel Feria VI. in Parasceve vel Sabbato sancto, hoc festum impediatur, toties Feria II. post Dominicam in Albis, tanquam in sede propria, ut antea, reponatur: in qua integra cum solemnitate ac feriatiōe et sine octava, prouti die 25 Martii, celebrabitur. Quando vero illius tantummodo impediatur officium, ad enuntiatam pariter feriam II. amandetur, ac nonnisi festo primario ejusdem ritus occurrente valeat impedi; quo in casu, in sequentem diem pariter non impeditam transferatur. Die 25 Aprilis, 1895.

Facta postmodum Sanctissimo Domino Nostro Leoni Papae XIII. per infrascriptum Cardinalem Sacrorum Rituum Congregationi Praefectum de hisce omnibus relatione: Sanctitas Sua sententiam ejusdem S. Congregationis ratam habere et confirmare dignata est Die 27 Maii, eodem anno.

C. CARD. ALOISI MASELLA, S.R.C., *Praefectus*.

L. ✠ S.

ALOSIUS TRIPEPI, S.R.C., *Secretarius*.

## Notices of Books

**MAYNOOTH COLLEGE: A CENTENARY ALBUM.** Dublin:  
Browne & Nolan, Ltd.

THIS ALBUM of Views and Portraits, which is designed to be a Souvenir of the Centenary Celebration of Maynooth College, is a highly artistic work, and reflects great credit on the firm of Messrs. Browne & Nolan, Ltd. Being mainly a reproduction of the illustrations which adorn the *Centenary History of Maynooth*, the publishers are able to offer it at little more than a nominal price. In the words of the preface: "It will serve to recall to mind to the clergy of Ireland the old familiar scenes in the midst of which they spent the happiest years of their youth. The faces, long vanished, of those whom they loved and revered, will appear once more on those pictured pages, and awaken many kindly thoughts, and dormant memories." It contains some fifty views of different parts of the College, over a hundred portraits, and two groups, including many of the distinguished ecclesiastics who were present at the Centenary Celebration. The publishers have enhanced its value by the insertion of Aubrey De Vere's elegant sonnet. We think they have also done well in printing at the end of the ALBUM the Centenary Ode, and Centenary Chorus, composed by Mr. W. Byrne (theological student). Both compositions have all the characteristics of high-class poetry.

**LORETO; THE NEW NAZARETH, AND ITS CENTENARY JUBILEE.**

By William Garratt, M.A. Illustrated with more than Fifty Engravings. Art and Book Company.

THIS is a charming book. Under the skilled guidance of the author we may follow in its pages the strange wanderings of the Holy House of Nazareth. Beautiful illustrations, most carefully executed, assist the imagination to picture the form and successive surroundings of its hallowed precincts. In one of these engravings we see a flat-roofed, rectangular structure standing at the foot of a small hill, with a bare undulating country in the back ground, studded with similar dwellings. The whole scene reposing under a dappled sky, represents the place and all around it where the Child Jesus grew up in wisdom, age, and grace.

An opening on one side of this plain abode reveals a view of the interior. It would seem that it was divided into two compartments by a curtain, and was flanked by a cave which formed an integral part of the dwelling. The town of Nazareth does not appear in view, but the letterpress completes the picture. It is stated that the Holy House of Nazareth was "the first church consecrated by the Apostles in honour of God and of the Blessed Virgin," and was preserved intact by a special Providence at the time when Vespasian sacked Nazareth. Over it, at a later date, St. Helena erected a beautiful basilica, which became, eventually, the Metropolitan Cathedral of the whole of Galilee. From the fourth century until the time of the Crusades this sacred spot was a Mecca of Christian pilgrimages, and among the distinguished pilgrims who knelt at the shrine of Nazareth was King Louis IX. of France. On his way to pay a second visit to the Holy House, and to preserve it by force of arms from the ravages of the infidel Mahomedans, this holy king died at Tunis. Divine Providence, however, did not permit so sacred a relic to be defiled by the enemies of Christianity. "Angels conveyed this house from Palestine to the town of Tersatto, in Illyria, in the year of salvation, 1291, in the pontificate of Nicholas IV. Three years later, in the beginning of the pontificate of Boniface VIII., it was carried again by the ministry of angels, and placed in a wood in the vicinity of Recanati, in the March of Ancona, where, having changed its station thrice in the course of the year, at length, by the will of God, it took up its permanent position on this spot" (where it now stands). This is an extract from the inscription on the *façade* of the church which the piety of the faithful has erected over the Holy House in its present position. No one who reads the book under review can doubt the truth of this statement.

The absence of foundations, the quality of the stone, mortar, and timber, unite with the testimony of historians and unprejudiced experts in proclaiming the identity of the house now honoured in Loreto with the house in which the angel Gabriel saluted the Virgin Mother of God. We welcome this beautiful book as a valuable addition to Catholic literature, and without any misgiving we take it upon ourselves to recommend it to the readers of the I. E. RECORD. It is published at 5s., 2s., and 1s.

T. P. G.

PRAELECTIONES DOGMATICAE QUAS IN COLLEGIO DITTON-HALL, habebat Christianus Pesch, S.J. Tom III. *Tractatus Dogmatici; De Deo Creante, De Peccato Originali De Angelis, De Deo Fine Ultimo, De Actibus Humanis.* Friburgii: Brisingoviae Sumptibus Herder.

FATHER PESCH's learned and useful work on Dogmatic Theology is rapidly hastening to completion. We have already noticed two volumes; the third now lies before us, issued and brought out, like its two predecessors, with that typographical excellence for which the house of Herder is now conspicuous.

This volume covers important ground, comprising, as it does, within its range, such grave and complicated treatises as *De Deo Creante, De Peccato Originali, De Angelis, De Deo Fine Ultimo, De Actibus Humanis.* If, in all these tracts, the author's treatment is not as full and satisfactory as we should desire—notably, *e.g.*, his treatise *De Deo Creante*, which we consider too meagre, considering the prominence of the subject just now—we must allow that throughout this volume there is abundant evidence of the author's wide acquaintance with theological literature. We are pleased to see him make such liberal use of the Patristic writings. Indeed this intimate acquaintance with the writings of the fathers, and valuable quotations from them, form a feature of Father Pesch's theology.

In this volume, we are most satisfied with the section on the Immaculate Conception. The whole history of this dogma is well drawn out; the doctrines of the fathers, the teachings of the more prominent theologians and schools of theology, are all illustrated with copious quotations. The exceedingly interesting question as to what St. Thomas taught on the Immaculate Conception, is discussed at length. Father Pesch gives his own opinion in the following sentence:—"Ut tamen dicam quod sentio, mihi certum videtur S. Thomam negasse immaculatam Conceptionem eo sensu quo postea ab ecclesia definita est." And, indeed, in face of the extracts from St. Thomas, quoted by Father Pesch, we wonder how anyone could have ever thought otherwise.







